

MANITOBA CLEAN ENVIRONMENT COMMISSION

BIPOLE III TRANSMISSION PROJECT

PUBLIC HEARING

PRE-HEARING

\* \* \* \* \*

Transcript of Proceedings  
Held at Winnipeg Convention Centre

TUESDAY, SEPTEMBER 11, 2012

\* \* \* \* \*

## APPEARANCES

## CLEAN ENVIRONMENT COMMISSION

Terry Sargeant - Chairman  
Pat MacKay - Member  
Brian Kaplan - Member  
Ken Gibbons - Member  
Wayne Motheral - Member  
Michael Green - Counsel to the Board  
Cathy Johnson - Commission Secretary

## MANITOBA CONSERVATION AND WATER STEWARDSHIP

Tracey Braun  
Elise Dagdick

## MANITOBA HYDRO

Douglas Bedford - Counsel  
Janet Mayor - Counsel  
Shannon Johnson

## BIPOLE III COALITION

Brian Meronek - Counsel  
Karen Friesen  
Garland Laliberte

## CONSUMERS ASSOCIATION OF CANADA

Byron Williams - Counsel  
Gloria Desorcey

## MANITOBA METIS FEDERATION

Jason Madden - Counsel

## MANITOBA WILDLANDS and SAPOTAWEYAK CREE NATION

Gaile Whelan Enns

## GREEN PARTY OF MANITOBA

James Beddome

## PEGUIS FIRST NATION

Robert Dawson - Counsel

## TATASKWEYAK CREE NATION

Sean Keating

## PINE CREEK FIRST NATION

Warren Mills  
John Stockwell

1 TUESDAY, SEPTEMBER 11 2012

2 UPON COMMENCING AT 10:00 a.m.

3

4 THE CHAIRMAN: Okay. Can we come to  
5 order, please? Good morning, lovely to see you  
6 all again, some new faces. I would like to start  
7 with a round of introductions, but a couple of  
8 things first. Remember our cell phone rule, any  
9 cell phones go off and you are banned forever.  
10 Second, the microphones, you need to push the  
11 button on and off as you are talking into the  
12 microphone. I would ask, in the round of  
13 introductions, if you could state your name plus  
14 your affiliation. Thereafter every time you  
15 speak, just state your name so that the  
16 transcriber has less problem when she is  
17 transcribing later on. As you all know, we  
18 transcribe all of our public meetings.

19 So, I'm Terry Sargeant, I'm the chair  
20 of the Clean Environment Commission.

21 MS. MacKAY: Pat MacKay, I'm a  
22 commissioner.

23 MR. MOTHERAL: Wayne Motheral,  
24 commissioner.

25 MR. GIBBONS: Ken Gibbons,

1 commissioner.

2 MR. KAPLAN: Brian Kaplan,

3 commissioner.

4 MR. WILLIAMS: Byron Williams, Public

5 Interest Law Centre representing the Consumers

6 Association of Canada, Manitoba Branch.

7 MS. DESORCEY: Gloria Desorcey, I work

8 for the Consumers Association of Canada, Manitoba

9 branch.

10 MR. LALIBERTE: Garland Laliberte,

11 vice president of Bipole III Coalition.

12 MS. FRIESEN: Karen Friesen, president

13 of Bipole III Coalition.

14 MR. MERONEK: Brian Meronek, counsel

15 to Bipole III Coalition.

16 MR. BEDDOME: James Beddome, leader of

17 the Green Party of Manitoba.

18 MR. MILLS: Warren Mills representing

19 Pine Creek First Nation.

20 MR. STOCKWELL: John Stockwell

21 representing Pine Creek First Nation.

22 MR. KEATING: Sean Keating

23 representing the Tataskweyak Cree Nation.

24 MS. MAYOR: Janet Mayor, legal counsel

25 to Manitoba Hydro.

1 MR. BEDFORD: Doug Bedford, Manitoba  
2 Hydro.

3 MS. JOHNSON: Shannon Johnson,  
4 Manitoba Hydro.

5 MS. DAGDICK: Elise Dagdick, Manitoba  
6 Conservation and Water Stewardship, Environmental  
7 Approvals branch.

8 MS. BRAUN: Tracey Braun, director of  
9 environmental approvals for Conservation and Water  
10 Stewardship.

11 MR. GREEN: Mike Green, legal counsel  
12 to the Commission.

13 MS. JOHNSON: Cathy Johnson, secretary  
14 to the Commission.

15 THE CHAIRMAN: Thank you. On the  
16 phone?

17 MR. MADDEN: Jason Madden, legal  
18 counsel to Manitoba Metis Federation.

19 THE CHAIRMAN: Thank you. One  
20 important step in our process is that at a certain  
21 point, approximately a month before the hearings  
22 are to commence, the director of the Environmental  
23 Approvals Branch, Tracey Braun, writes a letter to  
24 me as the chair of the Commission and says that  
25 the record is sufficiently complete for us to

1 proceed to hearings. This takes place in all of  
2 our reviews. That did happen, as you will be  
3 aware from the website of the Environmental  
4 Approvals Branch. That letter was dated  
5 August 31st. So as far as that is concerned, we  
6 are good to go.

7                   You will have received, a couple of  
8 weeks ago, decisions from the panel in respect of  
9 the motions that were argued in this room about  
10 three or four weeks ago now. You will also know  
11 and have received copies of the panel's letter to  
12 the Minister requesting clarification on the terms  
13 of reference, and the Minister's response to that.  
14 Given that letter, as well as the motions or the  
15 decisions on the motions, you will know that what  
16 we will be reviewing once we get into the hearings  
17 in three weeks time will not include NFAAT  
18 considerations, and we will not be engaging in the  
19 Section 35 consultations. We will be focusing on  
20 our middle name, that's the environment, as the  
21 purpose of our reviews.

22                   This morning, I don't know that it  
23 need be a particularly long session, it probably  
24 won't be particularly exciting. Most of what we  
25 are going to be doing today will be talking about

1 process, and just reminding, or bringing to your  
2 attention some of the key elements in how we  
3 operate and how the hearings will operate once we  
4 get into them.

5 MR. MADDEN: Mr. Chair, it is Jason  
6 Madden for the Manitoba Metis Federation. I'm  
7 seeking clarification on your statement about we  
8 won't be considering Section 35. My read of the  
9 decision is that, it is not that you are saying  
10 that you won't consider rights related issues that  
11 Aboriginal peoples may raise in relation to  
12 Section 35 rights, or the line's routing, you are  
13 essentially -- my read of the decision is saying  
14 that you don't think that the CEC has a duty to  
15 consult?

16 THE CHAIRMAN: That's correct. I  
17 think that there are any number of issues that  
18 relate to Aboriginal communities in respect of  
19 their ability to exercise their harvesting rights  
20 in particular, I'm not saying exclusively, that  
21 fall under the purview of an EIS review, as long  
22 as it is not in the context of a duty to consult  
23 under Section 35. Does that answer your question?

24 MR. MADDEN: It does. And I guess, as  
25 we previously indicated, the MMF will be filing a

1 motion on this. We have written to the Crown  
2 recently to try to decipher or better understand  
3 how this will be dealt with, but I think through  
4 that motion we will attempt to seek greater  
5 clarity on some of the issues that we still aren't  
6 clear about. But I just wanted to make sure that  
7 what my understanding was, the Commission has  
8 clearly decided it doesn't have the duty to  
9 consult Aboriginal groups in relation to section  
10 35?

11 THE CHAIRMAN: That's correct.

12 MR. MADDEN: Okay.

13 THE CHAIRMAN: When do you anticipate  
14 filing this motion?

15 MR. MADDEN: Our understanding was the  
16 17th was the deadline.

17 THE CHAIRMAN: That's correct.  
18 Anything else, Mr. Madden, at this time?

19 MR. MADDEN: No.

20 THE CHAIRMAN: Okay. So let's -- I  
21 just want to bring to your attention a couple of  
22 documents that were on the table this morning.  
23 The first one talks about, it's entitled "The  
24 Highlights of Process Guidelines," and I just want  
25 to highlight a handful of key provisions in our



1 process guidelines that you should be aware of as  
2 we go into the hearings. As it says at the top of  
3 the page, this does not replace or stand in the  
4 stead of the bigger document, it just highlights  
5 some of the key provisions.

6           The first one notes that at any time  
7 that we want, we have the power to change the  
8 procedures. It's not likely that it is going to  
9 happen, but you should know that we do have that  
10 authority.

11           The second and third are actually much  
12 more important, and as we get into the hearings in  
13 particular, you should know that all business with  
14 the Commission should be conducted through the  
15 Commission secretary. That includes any  
16 communications, you should not have any direct  
17 communications with any of the panel members,  
18 whether it is oral or written. Saying good  
19 morning as you walk by or pass in the hallway is  
20 fine, but if you start talking about substantive  
21 stuff with any of the panel members, that could  
22 pose serious problems for us.

23           And we would ask that any formal  
24 communications between organizations where you  
25 have a representative, that the representative be

1 the one who conducts the business with the  
2 secretary.

3 I've already noted at the outset that  
4 we record all of our public proceedings. The  
5 transcripts of the public proceedings, or these  
6 transcripts are typically available the next day.  
7 There may be occasions when it is not quite as  
8 fast as that, but they will be available in a few  
9 days.

10 On the top of the second page, we do  
11 ask that truth in proceedings/Swearing in, we do  
12 ask that all people making a presentation,  
13 speaking before the panel, state or affirm that  
14 the evidence they give will be true. It is not a  
15 swearing in or an affirmation as in court, but it  
16 is similar and it amounts to the same thing. This  
17 applies to witnesses, participants and their  
18 representatives.

19 Time limits, our procedural guidelines  
20 state that all presentations are 15 minutes.  
21 Those of you who have been part of this process  
22 know that, in respect of the officially recognized  
23 participants, this guideline is applied flexibly.  
24 You will be given sufficient time to present your  
25 cases as long as it is reasonable. If you ask for

1 three or four or five days, forget it. If you ask  
2 for a few hours, then that is no problem at all.

3 The next sentence at this meeting is  
4 very important. I'm now formally asking you to  
5 advise us of a estimate of the amount of time that  
6 you will require to make your presentation. I'm  
7 not talking about your cross-examination, but when  
8 you bring your witnesses and conduct the business  
9 with witnesses that you bring before us, witnesses  
10 and experts you bring before us. So I would ask  
11 at the end of this meeting if you can give that  
12 information to Cathy at that time, please do so.  
13 If not, Cathy will be bugging your butts so that  
14 we can get that hopefully by the end of this week.  
15 It doesn't have to be locked or carved in stone,  
16 but it has to be a reasonable estimate of how much  
17 time you will require.

18 Mr. Meronek?

19 MR. MERONEK: Mr. Chairman, are you  
20 anticipating or contemplating allowing opening  
21 statements by participants?

22 THE CHAIRMAN: We will get to that.  
23 Actually, if you looked at our practice directions  
24 order of proceedings, it does provide for that.  
25 And when we come to the next document, the draft

1 hearing schedule, we will talk a bit about that.

2 Anything else on that, the time for  
3 presentations? Mr. Mills?

4 MR. MILLS: Mr. Chairman, will we be  
5 allowed two presentations? And specifically, our  
6 community is close to Dauphin and many band  
7 members would like to attend the Dauphin meeting  
8 as observers, and we would like to be able to  
9 speak, for a short period of time, at your Dauphin  
10 hearing, as well as for a longer period of time at  
11 your Winnipeg hearing. It is simply to access the  
12 community. As you know, we are unfunded, so it is  
13 important that we make it as simple and as least  
14 expensive for the community members who wish to  
15 observe this as we can.

16 THE CHAIRMAN: I'm sure we can work  
17 that out. I'm not going to get into the details  
18 right now, but please talk with the Commission  
19 secretary and we can probably arrange something  
20 that you can make a short presentation in Dauphin  
21 and then the bulk in Winnipeg.

22 MR. MILLS: Thank you.

23 THE CHAIRMAN: Any other questions or  
24 comments in respect of presentation times?

25 The next note is presenters, and

1 presenters are people who just wish to say their  
2 piece, or members of the public who come out at a  
3 meeting with the intention, or sometimes decide at  
4 the meeting they want to say their piece. Those  
5 presentations are held to 15 minutes, and that's  
6 fairly strictly enforced.

7 I should also note that one thing I  
8 didn't highlight in this, but it is included in  
9 practice direction under party status, presenters  
10 are not subject to cross-examination. Panel  
11 members may ask questions of clarification. The  
12 proponent, at the will of the chair, may ask  
13 questions of clarification, but there is no  
14 cross-examination of presenters.

15 Adjournments, that's just straight  
16 forward. We may adjourn at any time as we see  
17 fit.

18 I would like to draw your attention to  
19 a handful of the practice directions which are  
20 appended at the end of the procedural guidelines;  
21 the order of proceedings, which will be further  
22 defined when we look at the draft hearing  
23 schedule. The disclosure witness and 14 day rule,  
24 that's next Monday, six days from now, we require  
25 a detailed outline of your presentation, a list of

1 all of the witnesses/experts that you propose to  
2 bring, as well as a list of authorities, journal  
3 articles, literature, et cetera, anything that you  
4 wish to rely upon in your presentation. We  
5 require that by next Monday. Seven days prior to  
6 the date that you make your presentation, which I  
7 suspect will be early to mid November, we require  
8 the final version of your presentation. And I  
9 want to really highlight that these rules will be  
10 strictly enforced. No last minute, my computer  
11 broke down or something got lost or my dog ate it,  
12 these rules will be strictly enforced, 14 days.  
13 So next Monday for the outline, seven days before  
14 for your final presentation. If they are not in,  
15 you won't be able to use it.

16 Mr. Williams?

17 MR. WILLIAMS: Yes, thank you,  
18 Mr. Chair. I just have two questions. One is in  
19 terms of our list of witnesses, there is a  
20 possibility that we, on one particular area we are  
21 still in negotiations with one witness, there may  
22 be one excluded. We would certainly undertake to  
23 provide notices as soon as possible. The outline  
24 of the material covered would be presented there.  
25 So that's one point.

1                   The second is, just in terms of a  
2 final version of presentation, I think I know the  
3 answer to this but I will just run you through the  
4 scenario. One of our witnesses may have a written  
5 presentation in the range of 50 pages. We would  
6 expect that they wouldn't run through in their  
7 oral testimony that version, it would serve as an  
8 expert written report, and then they would  
9 summarize the highlights of that via PowerPoint.  
10 And I'm assuming that would be satisfactory from  
11 the Commission's perspective?

12                   THE CHAIRMAN: Absolutely on the  
13 second point. We don't want anybody reading 50  
14 page reports into the record. Anything that is  
15 provided in writing becomes part of the record and  
16 will be read by the panel before we get into our  
17 decision making process. In fact, please do not  
18 have people read long reports into the record.  
19 Highlight them, PowerPoints, et cetera.

20                   On your first point, we would  
21 certainly allow flexibility. If you give us a  
22 list of six or eight or ten witnesses next Monday,  
23 and then a week or two later you come up with a  
24 seventh or eleventh, or whatever it is, we are not  
25 going to object to that. As long as we have the

1 bulk -- more than the bulk, we have to have just  
2 about everything, but within reason there will be  
3 some changes. The final thing, though, the final  
4 presentation, the 50 page report, must be in seven  
5 days prior.

6 Any other questions on that?

7 Mr. Beddome?

8 MR. BEDDOME: I'm wondering, as you've  
9 indicated, we sort of think we may need to refile  
10 a modified version of the motion notice that we  
11 already tried to file as, with respect, I'm not  
12 sure that the clarification and the penning of the  
13 Green Party of Manitoba -- it will be answers on  
14 those questions particularly as to, I understand  
15 we are not under a CEAA review, so therefore  
16 section 16 of the old CEAA doesn't apply. But yet  
17 the terms of reference still implicitly reference  
18 the terms of sustainable development. So at some  
19 times they overlap and it becomes difficult to  
20 know then what issues actually are relevant and  
21 aren't relevant. So to that extent it is going to  
22 make the 17th a difficult day for us to put our  
23 submission in, when there is likely going to be a  
24 motion asking for clarification, which is going to  
25 in turn help us guide decisions as to what journal



1 entries, et cetera, we are going to submit  
2 forward.

3 THE CHAIRMAN: Well, I think on the  
4 17th, if you can put in a detailed outline of your  
5 presentation. If it is modified by the results or  
6 by a decision in respect of a motion, we are  
7 obviously going to allow that.

8 MR. BEDDOME: Okay.

9 THE CHAIRMAN: Any other questions in  
10 this regard? Ms. Whelan Enns?

11 MS. WHELAN ENNS: Good morning. I  
12 would appreciate asking and having an answer on an  
13 obvious question. Are you telling us that the  
14 standards and terms of the 17th of September  
15 presentations and what we are going through now  
16 apply evenly to funded and unfunded participants?

17 THE CHAIRMAN: If you are a registered  
18 participant, yes. Mr. Williams?

19 MR. WILLIAMS: Actually, Mr. Chairman,  
20 I have solved my dilemma.

21 THE CHAIRMAN: I'm glad.

22 MR. MADDEN: Mr. Chair?

23 THE CHAIRMAN: Just a minute,  
24 Mr. Madden. Mr. Meronek?

25 MR. MERONEK: Thank you, sir. Just a

1 point of clarification for the 17th. When you  
2 refer to a list of authorities, you are talking  
3 about authorities that the witnesses will be  
4 relying upon, as opposed to final argument when  
5 counsel might be presenting legal authorities?

6 THE CHAIRMAN: Yes. Mr. Madden?

7 MR. MADDEN: I just want to confirm,  
8 we are talking about expert witnesses --

9 THE CHAIRMAN: Yes.

10 MR. MADDEN: -- not community elders  
11 or traditional resource users that are testifying,  
12 who clearly wouldn't have presentations? And are  
13 those names actually required as of the 17th?  
14 Those would be -- some of those names haven't been  
15 finalized.

16 THE CHAIRMAN: That's a good point,  
17 and I believe we responded to you in that respect,  
18 and it is good to bring it up here. In that  
19 regard, you are correct, we are talking about  
20 expert witnesses that you or other participants  
21 plan to bring before us. A list for a panel of  
22 community elders, we don't need that on the 17th.  
23 We would appreciate it ahead of time, but it is  
24 not bound by any strict rules.

25 MR. MADDEN: And my other question is,

1 given the fact that the routing issue is still  
2 somewhat of a moving target based on the most  
3 recent letter from Manitoba Conservation Water  
4 Stewardship to Hydro, I would just ask or flag  
5 that some flexibility in relation to the expert  
6 reports be allowed if ultimately new routing is  
7 determined or new information becomes available  
8 that isn't available as of today?

9 THE CHAIRMAN: Well, that's fair, and  
10 that's not a problem. Anything else, Mr. Madden?

11 MR. MADDEN: No.

12 THE CHAIRMAN: Thank you. Any other  
13 questions? Ms. Whelan Enns?

14 MS. WHELAN ENNS: I think Mr. Bedford  
15 was ahead of me.

16 THE CHAIRMAN: Sorry.

17 MR. BEDFORD: Mr. Sargeant, given that  
18 I understand, for example, a 50 page expert report  
19 is only due to be filed seven days before the  
20 expert appears and presents his evidence, to what  
21 extent must, in this case Mr. Williams' file  
22 something on the 17th about that expert report?

23 THE CHAIRMAN: That would be covered  
24 by the detailed outline. So we would expect to  
25 have a reasonably good outline of that report, it

1 may be two or three or five pages, but not the 50  
2 pages at this point.

3 Ms. Whelan Enns?

4 MS. WHELAN ENNS: I wanted to follow  
5 up Mr. Madden's question and ask whether your  
6 answer in terms of traditional land users and  
7 elders also apply to traditional knowledge holders  
8 who may not be part of the community panel, but  
9 may in fact be presenting? I think it is the same  
10 thing, but I wanted to ask because there is a  
11 couple of experts under discussion who are  
12 basically traditional knowledge carriers, and may  
13 or may not be elders as such.

14 THE CHAIRMAN: If you are bringing  
15 them as experts, then we would like their names by  
16 next Monday. If you don't bring them, that's  
17 fine, but I think you should err on the side of  
18 caution and present them on your list.

19 MS. WHELAN ENNS: That's certainly the  
20 intention. I was more also asking in terms of the  
21 expectation for formal report or presentation when  
22 they do speak?

23 THE CHAIRMAN: There is no requirement  
24 for a formal report. If you bring an expert  
25 witness and you briefly state what they are going

1 to be presenting on, that's sufficient. If you  
2 are going to have them present a formal report at  
3 some point, then we do need that.

4 MS. WHELAN ENNS: Thank you.

5 THE CHAIRMAN: Any other questions in  
6 this regard?

7 Moving on then, a couple more practice  
8 directions that I would like to draw to your  
9 attention and ask that you pay attention to. The  
10 first is cross-examination. Participants can  
11 cross-examine the proponent and other  
12 participants. The proponent can cross-examine  
13 participants. Members of the panel can ask  
14 questions of any party who makes a presentation,  
15 so that includes the proponent, the participants  
16 and presenters.

17 We will also strictly enforce courtesy  
18 and respect in all cross-examination. This isn't  
19 Perry Mason or some courtroom drama, we are a  
20 Commission that treats all parties with respect  
21 and we expect that from all of you. Which leads  
22 into the next practice direction, the code of  
23 conduct for parties and representatives, which  
24 basically says, do a good job, be prepared, treat  
25 everybody with respect and follow the

1 requirements, such as dates and showing up on  
2 time, turning off your cell phones, et cetera.

3 Any questions on any of this?

4 Mr. Meronek?

5 MR. MERONEK: Mr. Chairman, there has  
6 been so much paper that I can't recall whether I  
7 was dreaming this -- it shows what kind of life I  
8 lead. Number of copies of reports, expert  
9 reports?

10 THE CHAIRMAN: That will be covered a  
11 little later this morning. That's under Cathy's  
12 logistics section. Anything else before we move  
13 to the draft hearing schedule?

14 Okay. And I'm not sure if we will  
15 ever remove the watermark draft on this, it may  
16 change from time to time as we move forward, it  
17 may never be absolutely cut in stone. I would  
18 like to take you quickly through it. You can  
19 interrupt me as we go through if you have any  
20 questions. This more or less reflects what is in  
21 the procedural guidelines on the order of  
22 proceedings. It has just been sort of specified  
23 for this hearing process.

24 The first day of hearings is Monday,  
25 October 1st. Opening remarks, preliminary

1 matters, the director of the Environmental  
2 Approvals Branch typically will make a brief  
3 presentation on the process up-to-date. The  
4 Commission secretary will follow that up with a  
5 brief process of what we have done up-to-date, as  
6 well as some exciting procedural matters. Then we  
7 will have -- Mr. Meronek, this addresses your  
8 question earlier -- opening statements, the  
9 proponent and participants will each make brief  
10 opening statements, we are thinking in the  
11 neighborhood of 10 to 15 minutes each, just  
12 outlining, giving an overview of the evidence that  
13 you plan to bring, the witnesses you are going to  
14 call, et cetera.

15                   We will then begin with getting into  
16 the meat of the review. The proponent -- and this  
17 may be, I don't know if it will happen on day one,  
18 maybe later on the day in day one we will start  
19 this -- the proponent will make a comprehensive  
20 presentation. And we propose that in the first  
21 part they address chapters 1, 2, 3, 4, 5 and 7.  
22 They will make a presentation on that. We will  
23 then have panel and participants question them on  
24 that, as well as any members of the public who may  
25 show up and wish to ask questions of the proponent

1 in that regard.

2                   Week two we are in Gillam. I'm going  
3 to quickly go over and then come back. Week two  
4 we are in Gillam for a day and a half for  
5 hearings. Week three in Thompson for a day and a  
6 half, The Pas for day and a half. By day and a  
7 half, the half day is really only a couple of  
8 hours in the evenings. Week four, we are in  
9 Dauphin for one day, Portage La Prairie for one  
10 day, Niverville for one day.

11                   Now, in those community meetings we  
12 will not be conducting -- we will not be, sorry,  
13 conducting business as usual. Hydro will open  
14 with a brief presentation, probably somewhere in  
15 the range of half an hour to an hour, just  
16 describing the project. We will not get into the  
17 meat of an EIS review in those communities. We  
18 will entertain presentations or questions from the  
19 public in those communities. Anybody who wishes  
20 to come forward and make a presentation or ask  
21 questions of the proponent may do that in those  
22 communities.

23                   So, it is certainly not necessary for  
24 the entire flying circus to come in to each of  
25 those communities. Participants are certainly



1 welcome to, but you may want to think about  
2 whether that's the best way to spend your money.

3 We may, as Mr. Mills has requested, we  
4 may entertain some brief detailed presentations  
5 addressing specific local concerns.

6 Mr. Williams?

7 MR. WILLIAMS: Yes, and mindful of  
8 your admonition about a flying circus, there is a  
9 possibility that someone from our office will be  
10 up in Northern Manitoba on other matters either  
11 the week -- the Gillam week or the Thompson week.  
12 In terms of the Fox Lake community and Hydro's  
13 work in that regard, is there an expectation of  
14 any special report by Hydro in terms of its  
15 findings? Because certainly, if we are going to  
16 be up there, our staff would like to kind of  
17 coincide with that, that visit or that  
18 presentation.

19 THE CHAIRMAN: It is something that we  
20 have considered. We haven't made a final decision  
21 on that. Does Hydro have any thoughts in that  
22 respect?

23 MR. BEDFORD: Doug Bedford for  
24 Manitoba Hydro. I can tell you all that our  
25 present plan is, in the first week when we present

1 evidence here in Winnipeg, probably on day two,  
2 October 2nd, I will be calling two employees of  
3 Manitoba Hydro, Mr. Finlay MacInnes, who is our  
4 senior manager for Northern Manitoba, who will  
5 make a presentation, that I anticipate at the  
6 moment may take about 30 minutes, to describe what  
7 my client has done and is doing with respect to  
8 Gillam generally, and then endeavoring to tie that  
9 into what we foresee what would likely happen with  
10 Bipole III.

11 In addition, I intend to call  
12 Ms. Deidre Zebrowski, who works in our Aboriginal  
13 affairs division in Winnipeg. She will go over  
14 some of the detail involving Manitoba Hydro's  
15 relationship, primarily with Fox Lake and Gillam,  
16 but more broadly the approach that we took  
17 generally together in the process of gathering  
18 Aboriginal traditional knowledge.

19 And I would anticipate that when those  
20 presentations are done, along with the others that  
21 we are obliged to put on, on October 1 and  
22 October 2, that it would be an opportunity for  
23 folks to ask questions pertaining to Gillam and to  
24 Fox Lake, and we will answer them to the best of  
25 our ability.

1 THE CHAIRMAN: Given the unique  
2 experience of Gillam and the past projects in  
3 Gillam, do you foresee any particular presentation  
4 or examination in Gillam about some of the Fox  
5 Lake issues, as Mr. Williams has asked?

6 MR. BEDFORD: Doug Bedford, again, for  
7 Manitoba Hydro.

8 No, not at the moment, Mr. Sargeant.  
9 If requested, we could certainly prepare something  
10 and do that. But my expectation for what we will  
11 do in each of the six rural locations matches what  
12 I see in the outline you've presented, is we are  
13 anticipating presenting something in Gillam at the  
14 commencement of the hearing there for  
15 approximately 30 minutes to 1 hour, general  
16 project overview with some specific overview  
17 related specifically to Gillam. When we are in  
18 Gillam I'm contemplating, for example, having an  
19 employee who is familiar with our trappers policy  
20 present to ask questions about that. I'm  
21 contemplating having the manager present in Gillam  
22 who is responsible for overseeing the construction  
23 camp and the construction of the Keewatinoow  
24 converter station, because we anticipate that  
25 local residents will have some questions about the

1 contracting, the available jobs, the location of  
2 the camp, and generally topics of that nature.  
3 And as we move further south in the rural  
4 locations, we will try and add to the general  
5 presentation some general presentation that we  
6 anticipate would be relevant to people appearing  
7 at each of those locations.

8 THE CHAIRMAN: And I think this may  
9 address Mr. Williams' question, I'm not sure. In  
10 each of these communities you will have sufficient  
11 staff, or the staff available who can answer any  
12 anticipated questions such as, in Gillam they  
13 might be related to Aboriginal issues, in Dauphin  
14 or Niverville they might be related to  
15 agricultural issues. So Hydro will have staff  
16 available to answer any such questions?

17 MR. BEDFORD: That's what we are  
18 trying to do. My best guess is that at some point  
19 there will be a question that none of the -- I'm  
20 guessing it will be perhaps five or six staff and  
21 consultants that we are realistically able to take  
22 to each rural location. At some point there will  
23 be a question that we will likely have to simply  
24 undertake to answer and provide to the citizen who  
25 has asked the question. But you are entirely

1 correct, we are trying to anticipate who will come  
2 to each rural location and what their particular  
3 interests are most likely to be, so that we can  
4 there, on the spot with our employees and our  
5 consultants, answer what is asked of us.

6 THE CHAIRMAN: Thank you. Mr. Dawson?  
7 Just a moment, Mr. Madden. Mr. Dawson?

8 MR. DAWSON: Arising out of the  
9 comments that Mr. Bedford has made, I'm wondering  
10 if the panel would, as an extraordinary  
11 possibility, consider that if evidence were given  
12 in the course of an answer to a question from the  
13 public in one of these remote locations that, as  
14 you Mr. Chair have labeled it, the flying circus  
15 has not attended, would it be possible to submit a  
16 written information request almost that directly  
17 arises out of evidence that was tendered in the  
18 absence of the flying circus, and have Manitoba  
19 Hydro answer that question as if someone had posed  
20 it by way of cross-examination at the time that  
21 the evidence was put before the panel?

22 THE CHAIRMAN: I think I follow what  
23 you are asking. You are asking that if a  
24 significant issue arises in Thompson that relates  
25 to a concern that you or your client has, and you

1 are not there, can you pursue it?

2 MR. DAWSON: I don't think pursue, I  
3 think it is almost exactly that. The concern is  
4 that the panel will be receiving evidence, and  
5 that for logistical and completely understandable  
6 reasons, the entourage of lawyers and parties will  
7 not be following the panel across the province as  
8 it moves, but nonetheless in order to preserve the  
9 opportunity for participants to test and challenge  
10 the evidence, I'm suggesting that the panel ought  
11 to be open to the possibility that at the request  
12 of one of the participants, or more than one, a  
13 written interrogatory could be directed to  
14 Manitoba Hydro arising out of evidence that it  
15 gave at a remote location. And I would suggest  
16 that this should be done, one, tied to a specific  
17 point so that it doesn't become an opportunity to  
18 essentially create a third round of information  
19 requests; and secondly, that it should almost be  
20 extraordinary. Just because somebody says  
21 something from Manitoba Hydro at a remote location  
22 shouldn't be the occasion for someone to then  
23 begin issuing sheets of information requests. It  
24 truly should be something that would be unexpected  
25 and remarkable.

1                   THE CHAIRMAN: A couple of points.  
2     One is that if this comes in a repartee between a  
3     presenter and Manitoba Hydro, participants, even  
4     if you were there, do not have the opportunity to  
5     cross-examine a presenter. However, having said  
6     that, if something extraordinary were to happen,  
7     there is always the opportunity that you could  
8     bring up the same issue during the resumption of  
9     the review in Winnipeg. And if it was  
10    particularly extraordinary, you could always  
11    present it to the panel, and as long as it is  
12    reasonable, I'm sure we would move it forward.

13                  MR. DAWSON: If I may just follow up  
14    on that. I will just suggest that the panel  
15    should be directing its attention to possible  
16    problems that could arise where the panel says  
17    things like, evidence will be heard but there will  
18    be no opportunity to cross-examine. To the extent  
19    that words drip from the lips of anybody that is  
20    received as evidence that this panel will consider  
21    in arriving at the advice and recommendations that  
22    it makes, I would suggest to you that the rules of  
23    natural justice require that any party that wishes  
24    to test and challenge the evidence should have  
25    that right. Whether or not participants in their

1 good sense would exercise that right is a  
2 different matter. But I am concerned that a  
3 blanket pronouncement from the panel could expose  
4 it to subsequent difficulties.

5 THE CHAIRMAN: We won't get into a  
6 debate on that today, Mr. Dawson, but I don't  
7 think that we are in any danger of violating the  
8 rules of natural justice or procedural fairness.

9 Mr. Madden, you had a question I  
10 believe?

11 MR. MADDEN: It is more of a  
12 logistical question about how the panel will be  
13 presented on the first week, and is -- I have seen  
14 a schedule and list of presenters. Will it be,  
15 one, we will deal with an issue, then there will  
16 be an opportunity to cross-examine, or will the  
17 presentation go on in its entirety, and then all  
18 of those presenters will be available to the  
19 participants for cross-examination? And I'm just  
20 trying to understand.

21 And also, if the cross-examinations of  
22 that panel by all of the participants are not  
23 completed by the end of that week in September,  
24 that those presenters would be available on  
25 subsequent days when we start back up in Winnipeg?



1                   THE CHAIRMAN: I think the simple  
2 answer is yes to all of your questions. The past  
3 practice has been that Manitoba Hydro will spend  
4 the first half a day, or day, or day and a half --  
5 well, the proponent, in this case Manitoba Hydro  
6 would do that. All of the witnesses who were  
7 involved in that presentation or who can answer  
8 questions in respect of that presentation will be  
9 available throughout that week. Your, I think  
10 final point, if we are not finished with that by  
11 the end of that week, will they be available when  
12 we resume in Winnipeg in early November or late  
13 October? Yes.

14                   One thing that we are proposing with  
15 this draft hearing schedule breaks up the EIS a  
16 little bit by having them present on five or six  
17 chapters the first week -- yes, six chapters the  
18 first week -- and the week of October 29th,  
19 another couple of chapters, and then the following  
20 week, three other chapters. This way it breaks it  
21 up a little bit. I think it will focus attention  
22 on some of the different areas a little better  
23 than having them present on the entire EIS in week  
24 one, and then a month and a half later, we are  
25 trying to remember what happened in week one.

1 Does that answer your concern, Mr. Madden?

2 MR. MADDEN: Yes. And we would concur  
3 or support that type of approach. It becomes  
4 quite unmanageable if it is not put into some  
5 different subject matters rather than an entire  
6 presentation in the first week.

7 THE CHAIRMAN: Mr. Beddome?

8 MR. BEDDOME: James Beddome, Green  
9 Party of Manitoba.

10 I just noticed there is nowhere on the  
11 schedule for technical reports or any supplemental  
12 reports that were put in after the fact. And I'm  
13 just wondering how the Commission intends to deal  
14 with that? Because often the technical reports  
15 often provide much more depth of information.

16 THE CHAIRMAN: That's very true, and I  
17 think we would review the technical reports in  
18 respect to the chapters they relate to. So the  
19 technical report on caribou would come under the  
20 environmental issues in chapter 6 and 8 and so on.  
21 So they are not thrown to the side, they come  
22 under the chapters there.

23 MR. BEDDOME: Okay.

24 THE CHAIRMAN: Ms. Whelan Enns?

25 MS. WHELAN ENNS: We were sort of

1 even.

2 THE CHAIRMAN: Well, you can go ahead.  
3 Please go ahead.

4 MS. WHELAN ENNS: Okay. Thank you,  
5 Gaile Whelan Enns, asking the questions then for  
6 Manitoba Wildlands at the moment.

7 I wanted to ask a question related to  
8 what we have just heard. My assumption is that we  
9 have a lot of material that is EIS material that  
10 is not in the chapters from what was filed ten,  
11 eleven months ago. So if the technical reports in  
12 the original EIS and the additional or addendum  
13 filings to do with those technical reports are  
14 going to be reviewed and responded to in the  
15 hearings at the same time as the chapter they  
16 belong to, does that apply to all of the EIS  
17 contents and materials that we have been receiving  
18 this summer? It is not quite clear how they will  
19 be handled, and they are, of course, all part of  
20 the proceeding and part of the EIS.

21 THE CHAIRMAN: I think what we have  
22 been receiving this summer for the most part have  
23 been questions and responses to IRs which should  
24 relate to a specific point in the EIS. So in that  
25 respect they would fall -- that all of that, if we

1 are talking about, again, caribou or agriculture,  
2 when that comes up in a chapter, which is  
3 basically under chapter 6 and 8, all of the  
4 technical reports in respect of caribou and/or  
5 agricultural, as well as the IRs, would all be on  
6 the table at that point.

7 MS. WHELAN ENNS: Thank you. We have  
8 also been receiving information and are still  
9 waiting for information on supplemental filing  
10 requests from Manitoba Conservation. So I'm  
11 inclined to take, from what you are saying, that  
12 this is somewhat flexible in terms of where in  
13 relation to the chapters in the original EIS  
14 materials things apply?

15 THE CHAIRMAN: We will deal with it.  
16 It will be covered. If at the end of the day we  
17 find that there is a significant issue that has  
18 not been addressed, we will take it up and address  
19 it. It won't go undone.

20 MS. WHELAN ENNS: Thank you. My  
21 questions are just basically to ensure that  
22 anything that we have received in the summer or  
23 still may be waiting on are included. And I take  
24 that as yes.

25 If I may, I wanted to also ask a

1 question about the tour, the outlying communities  
2 and the tour intentions. Will all of the  
3 presentation materials, PowerPoint presentations  
4 and anything that is used by Manitoba Hydro for  
5 presentation purposes in those different locations  
6 be available to all participants?

7 THE CHAIRMAN: Everything is available  
8 to everybody.

9 MS. WHELAN ENNS: Will that be  
10 electronic, and by the day it happened on?

11 MS. JOHNSON: Not necessarily by the  
12 day, but as quickly as we can get things sorted  
13 out. We have nobody in our office when we are  
14 out. So as soon as we can when we get back,  
15 everything will be distributed. If not, if we  
16 have connections, we can send electronic  
17 information.

18 MS. WHELAN ENNS: Thank you.

19 THE CHAIRMAN: Mr. Mills?

20 MR. MILLS: Thank you, Mr. Chairman.  
21 Specifically Dauphin, October 22nd, Hydro, a brief  
22 overview of the project, is there a mechanism  
23 whereby we can forward to this Commission or to  
24 Hydro some of the specific concerns of our client  
25 and the community? I anticipate they will be

1 present and I think it would be a lot more  
2 satisfactory and worthwhile if specific questions  
3 asked were answered. So to be concise, can we  
4 focus in advance to Hydro what our concerns are?  
5 Is there a way of assuring us that Hydro will have  
6 those resources available to answer those  
7 questions? A brief overview may not be found  
8 satisfactory to the First Nation, and I would hate  
9 to tell them that the answers are in the mail.

10 THE CHAIRMAN: Again, I would give you  
11 the same answer I gave you earlier, please deal  
12 with the Commission secretary, and we will do what  
13 we can, we can't guarantee it but we will do what  
14 we can to ensure that those issues are addressed.

15 MR. MILLS: Can you encourage Hydro to  
16 make anything technical available?

17 THE CHAIRMAN: We always do, yes. If  
18 it is relevant within the purview of our review,  
19 yes, we will.

20 MR. MILLS: As an example,  
21 Mr. Chairman, we may have specific questions with  
22 regards to the watershed effect of Bipole, and if  
23 Hydro has expertise or engineering staff available  
24 who are fluent in those issues, if the Commission  
25 could encourage Hydro to have them present,

1 provided we give you some advance that those will  
2 be areas that we want to review?

3 THE CHAIRMAN: Again, if you talk with  
4 the Commission secretary, if they are within in  
5 our terms of reference, the mandate that we have  
6 for this hearings, yes, we will forward it to  
7 Hydro.

8 MR. MILLS: Thank you.

9 THE CHAIRMAN: Mr. Madden, I think you  
10 had question?

11 MR. MADDEN: Yes, Mr. Chair. With  
12 respect to the technical reports, is there an  
13 updated chapter 1, appendix 1(c) that Hydro has  
14 with respect to whether there are additional  
15 technical reports? Because we aren't quite sure  
16 exactly what is there in its entirety, or whether  
17 it has been supplemented from the initial filing?

18 THE CHAIRMAN: I'm not sure. Hydro?  
19 Mr. Bedford?

20 MR. BEDFORD: No, other than what we  
21 have filed this summer. We had two filings which  
22 I believe included in the headings supplemental.  
23 One dealt with some socio-economic material, there  
24 was a lengthy additional submission on caribou.  
25 Now, as I recall we did a third relatively lengthy

1 update on cumulative effects analysis. So we  
2 certainly will refer to those and we include  
3 those. We have not changed that schedule from ten  
4 months ago.

5 MR. MADDEN: So there is only 14  
6 technical reports that the EIS is based upon?

7 MR. BEDFORD: I haven't --

8 MR. MADDEN: And I'm referring, I'm  
9 just getting the 14 number off the chapter 1,  
10 appendix 1(c), those 14 technical reports as well  
11 as what is in the supplemental materials that were  
12 filed over the course of the summer?

13 MR. BEDFORD: Doug Bedford for Hydro.  
14 I haven't counted them recently but I will accept  
15 that Mr. Madden has added them up correctly, and  
16 if 14, it is 14. Of course not to be confused  
17 with the fact that specialists always cite  
18 literature and lengthy bibliographies, and we did  
19 in answer to one IR, as I recall, provide what are  
20 known as the Teshmont reports, four of them, plus  
21 a lengthy brochure that comes from one of the  
22 companies in Germany that manufactures components  
23 for converter stations. It may be that one or  
24 other of my witnesses will allude to one or other  
25 of those publications. But the formal technical



1 reports, we haven't changed those that are in the  
2 EIS, and we haven't added to them.

3 THE CHAIRMAN: Does that answer your  
4 concern, Mr. Madden?

5 MR. MADDEN: Yes, Your Honour.

6 THE CHAIRMAN: All right. I don't  
7 mind a promotion.

8 MR. MADDEN: I was in court yesterday.

9 THE CHAIRMAN: Thank you. Any other  
10 questions on the rural tour at this point?  
11 Mr. Meronek?

12 MR. MERONEK: Mr. Chairman, Brian  
13 Meronek. Not necessarily on the rural tour, but  
14 stuff that you have already dealt with. First of  
15 all, Mr. Bedford some time ago provided a roster  
16 of witnesses, which I believe may not be final.  
17 But in any event, would it be too much to ask if a  
18 list of witnesses was provided by the 17th as  
19 well, in order for us to be able to prepare a  
20 cross, outlining their responsibilities as to what  
21 topics they are going to be dealing with, and also  
22 whether they are going to be on, how many panels  
23 there are going to be, just so that we get some  
24 idea as to how this is going to unfold?

25 THE CHAIRMAN: Mr. Bedford?

1                   MR. BEDFORD: We anticipate adding  
2 probably a few names to that roster that we  
3 released earlier in August. I'm not proposing to  
4 call all of the people whose CVs we have provided.  
5 Out of an abundance of caution, I have put forward  
6 all of the potential names of individuals who we  
7 might have to call, subject to which issues and  
8 which topics might grow in concern during the  
9 course of the hearing. My estimate at the moment  
10 is over the course of the hearing, the proponent  
11 will call approximately 12 different witnesses.

12                   With respect to the first week, we  
13 intend to lead off with our vice president of  
14 transmission, Mr. Ed Tymofichuk. He will be  
15 joined by one of his division managers, Mr. Gerald  
16 Neufeld. The primary reason for Mr. Neufeld  
17 joining him is that Mr. Tymofichuk will be  
18 unavailable to us after some time early on Tuesday  
19 morning, October 2nd. So we have brought  
20 Mr. Neufeld up to speed so that we will have a  
21 witness there throughout the week who can respond  
22 to questions once we finish our presentations,  
23 which incidentally I estimate will occupy one day  
24 and a half to two days of time. Given that we  
25 apparently will spend part of the first morning,

1 October 1, hearing a motion, and hearing perhaps  
2 five or six brief opening statements from all  
3 participants, I rather anticipate we won't get  
4 going with our presentations until Monday  
5 afternoon, October 1. And should that prove to be  
6 the case, we may be finishing up our initial round  
7 of presentations on the Wednesday morning, and  
8 then open it up to orderly questioning by  
9 witnesses.

10 But to continue, Mr. Tymofichuk will  
11 do a general overview of the project with some  
12 emphasis for the need for this project. We will  
13 then -- and I expect he will be about an hour and  
14 he will use a PowerPoint presentation. He will  
15 remain on a panel consisting of himself,  
16 Mr. Neufeld, and I neglected to add Mr. Ron Mazur  
17 who is an engineer employed by Hydro. And we  
18 anticipate Mr. Mazur will take approximately an  
19 hour and will run through what I would describe as  
20 a more detailed project description, what is the  
21 purpose of a converter station, why are the  
22 transmission lines DC as opposed to AC? And some  
23 or all of us have read some of the IRs that have  
24 come in over the summer, and I am expecting  
25 Mr. Mazur will address some of the things that we

1 have seen in IRs. Mr. Mazur was chiefly  
2 responsible for looking at alternatives to the  
3 Bipole III project. I know that we now have some  
4 further guidance from the Minister on just how  
5 relevant alternatives might be. But there you  
6 have it, Mr. Mazur was the lead engineer in that  
7 work, so approximately an hour with Mr. Mazur.

8           Then a different panel, and whether or  
9 not we invite the first three gentlemen to sit in  
10 the audience while the next three gentlemen  
11 testify, I'm indifferent to. But the next panel  
12 will be Mr. Pat McGarry, who is an employee of  
13 Manitoba Hydro who works in our licensing  
14 Environmental Assessment Branch and the  
15 Transmission Division, Mr. John Dyck who is a  
16 consultant, and Mr. Trevor Joyal who is now  
17 employed in our Licensing and Environmental  
18 Assessment Department.

19           Mr. McGarry and Mr. Dyck played a very  
20 large role in planning the route and developing  
21 the route as it evolved over time, and I'm  
22 expecting their presentation on the topic to take  
23 approximately two hours. Mr. Joyal was  
24 extensively involved in the public consultation  
25 process, and I'm expecting that he will do a

1 presentation on that subject for about 30 minutes.  
2 So of the first group of witnesses I'm putting  
3 forward, there is a heavy emphasis on the route  
4 planning and those three gentlemen will be  
5 testifying on that.

6           If we are making reasonable progress,  
7 I am expecting Dr. William Bailey, who teaches and  
8 works in the United States, he is an American,  
9 will do a presentation for approximately one hour  
10 on the subject of EMF, and that will take place  
11 some time on Tuesday, because he flies into  
12 Winnipeg from where he works in the eastern United  
13 States. I will try and arrange, or hope that we  
14 can get him doing his presentation some time on  
15 the Tuesday. And I'm not expecting him to be  
16 present throughout the entire week, so we may  
17 invite people, once his presentation is done, to  
18 ask what questions they have of EMF. But it may  
19 well be that he can be available for a second day  
20 here in Winnipeg.

21           Then as I earlier said, I'm planning  
22 on calling Mr. Finlay MacInnes, our senior manager  
23 in Northern Manitoba, and Deidre Zebrowski from  
24 the Aboriginal Affairs Division. Mr. MacInnes  
25 will talk specifically about Gillam, as I said,

1 and Ms. Zebrowski is to give an overview generally  
2 of the approach we took to the gathering of  
3 Aboriginal traditional knowledge, and also on a  
4 somewhat specific topic, the subject of community  
5 development initiative in which she has played a  
6 significant role in developing. That is the  
7 topics that we will deal with the first week.

8 To repeat, if we were starting  
9 immediately at 10:00 a.m. on the Monday morning,  
10 October 1, I expect that we would be done by close  
11 of business on Tuesday. But given the other  
12 things that I now know we will have to allow time  
13 for on Monday morning, October 1, I make a  
14 reasonable estimate that we will finish probably  
15 Wednesday morning with direct presentation of  
16 evidence. Then I expect that the people will have  
17 many questions for one or other of those folks  
18 that I have described. So with the reminder that  
19 Mr. Tymofichuk will not be available for the whole  
20 week, but he is coming back to Winnipeg, so those  
21 who are eager to ask him personally questions  
22 about his presentation, we are certainly willing  
23 and able to have him come back on the last week in  
24 October, he will be there to respond to questions.

25 And Dr. Bailey, to repeat, we have

1 limited access to, but he will be available for  
2 people to ask him questions on his topic. And if  
3 questioning is not finished with the rest of the  
4 individuals whom I have named, we certainly are  
5 willing, able and would expect that they would be  
6 available at the end of October for questioning of  
7 them on their topic areas to continue.

8           Without putting a whole lot of  
9 additional detail as to the subsequent panels that  
10 we intend to bring forward, we will have separate  
11 presentations at the moment, one hour each, on the  
12 subject of Woodland caribou and on the subject of  
13 moose. Both of those presentations will be  
14 presented by two gentlemen who work at Joro  
15 Enterprises, who are consultants to Manitoba  
16 Hydro.

17           I also envision a panel which I  
18 personally and generally describe as a biophysical  
19 panel, which will have six or seven of the  
20 specialists whose technical reports you have seen  
21 on the subject of birds, amphibians, vegetation,  
22 all testifying generally as a panel. I'm trying  
23 to limit their direct evidence to approximately 30  
24 minutes each, although some of them tell me they  
25 can't do it in under an hour, so we are still

1 working on how their presentations will come  
2 forward.

3 I envision a second panel that I  
4 personally have nicknamed the socio-economic  
5 panel. We will likely see Ms. Zebrowski come  
6 back, not Mr. MacInnes, but perhaps. And the  
7 gentlemen who will be responsible for the  
8 construction of the line, that's Mr. Glen Penner  
9 employed by Manitoba Hydro, Mr. Rob Elder is in  
10 charge of building Keewatinoow, and I'm expecting  
11 both of those gentlemen to appear on that panel to  
12 give some evidence regarding construction. There  
13 may or may not be some additional persons that we  
14 add to that panel. And I expect both the  
15 biophysical panel and the socio-economic panel, in  
16 conjunction with Mr. Cam Osler, who is a  
17 consultant employed by InterGroup, to address in  
18 some detail the approach that was taken for  
19 cumulative effects for this project, to do the  
20 best we can to satisfy people that we have done  
21 the necessary homework. If it wasn't clear in the  
22 EIS that was filed, that it at least become clear  
23 that we have sensibly looked at the topic of  
24 cumulative effects. Just how we are going to  
25 weave that between the two panels is something



1 that we are still working on.

2 Most of my presenters, I anticipate,  
3 will use PowerPoint presentation. We will make  
4 use of maps, trying to have a very large map that  
5 would likely go from the floor of this room to the  
6 ceiling of this room so that will be easily  
7 visible to the commissioners and to the  
8 participants. In addition, I envision use of a  
9 number of maps that would be presented in  
10 PowerPoint that would blow up detailed areas that  
11 this project is proposed to run through.

12 Now, I may or may not find, depending  
13 on the number of questions and the demands for  
14 precise answers, calling someone from Manitoba  
15 Hydro's Property Department, calling someone from  
16 our department, the Aboriginal Affairs Department  
17 that deals with our trappers compensation policy,  
18 calling the gentleman that did the agricultural  
19 specialist report for us, and so on. If we  
20 discover during the course of the hearing that the  
21 witnesses who have affirmed and who have given  
22 presentations are unable to deal with a  
23 particularly vigorous and special line of  
24 questioning, we may bring forward and have  
25 affirmed someone whose CV was in the roster list

1 filed September 17th, but whom we didn't think at  
2 the outset it was essential to actually call and  
3 make a presentation.

4 THE CHAIRMAN: Thank you, Mr. Bedford.  
5 Any questions in that regard? Mr. Williams?

6 MR. WILLIAMS: I guess a couple  
7 comments focusing on, primarily on the first week.  
8 Just for the panel's information, our client, or  
9 specifically old Mr. Williams may have a  
10 scheduling conflict the first few days of the  
11 hearing in that I'm scheduled to do extensive  
12 cross-examination of a different panel in a  
13 different hearing. I have had some preliminary  
14 discussions with some of my friends who -- I'm not  
15 sure what order cross-examination will be  
16 proceeding in, but I have asked if they will be  
17 prepared to proceed, and I'm hoping that will work  
18 out.

19 THE CHAIRMAN: Just on that,  
20 Mr. Williams, the order of cross-examination as  
21 well as the order of presentation, we are open and  
22 flexible, as long as the other parties --  
23 basically between the other parties and the  
24 Commission secretary, we can work out that order.

25 MR. WILLIAMS: Thank you, I appreciate

1 the Commission's consideration. And I thank  
2 Mr. Bedford for his very thorough outline of his  
3 anticipated direct evidence.

4 In week one, and I will ask this  
5 question and hopefully he can respond a bit later,  
6 in week one in terms of chapter 4, the  
7 environmental assessment approach, I didn't really  
8 hear a witness who I saw speaking to that, I may  
9 have just missed that, or if I haven't missed  
10 that, is there someone contemplated that week, or  
11 is that really contemplated from Mr. Osler later  
12 in the hearing, is my question through the chair  
13 to Hydro.

14 And then the third thing, and  
15 certainly I mention this with some trepidation,  
16 the words NFAAT -- it is painful for them to leave  
17 my lips at this point in time. But I do note that  
18 it appears that Manitoba Hydro is spending  
19 approximately two hours in terms of presenting  
20 NFAAT related issues, which causes some  
21 awkwardness to our clients in that they are not in  
22 a position, it is their understanding of the  
23 Minister's scoping of the proceeding, to test that  
24 evidence. And certainly our clients have ceased  
25 work on the NFAAT, but had certainly on a

1 preliminary basis identified concerns in the  
2 statistical allegations that Manitoba Hydro has  
3 made with regard to the NFAAT. So from our  
4 clients' perspective, we recognize the Minister's  
5 directive. They would wish to register an  
6 objection to this because it is certainly, from  
7 their perspective, unfair in terms of the process  
8 when they are foreclosed from testing that  
9 evidence and are no longer funded to test that  
10 evidence, for Manitoba Hydro to present it. So we  
11 understand the dilemma the Commission is in and  
12 Manitoba Hydro is in, but from our clients'  
13 perspective, there is some unfairness.

14 THE CHAIRMAN: We would see that  
15 whatever Manitoba Hydro presents under the rubric  
16 of NFAAT would be by way of background. As we  
17 have noted, it will not be tested, given the  
18 Minister's direction on our terms of reference.  
19 It is also something that we will not, as a  
20 result, be providing any advice to the Minister in  
21 respect of.

22 Mr. Bedford, I think Mr. Williams had  
23 a question or two of you.

24 MR. BEDFORD: I can tell Mr. Williams  
25 on the subject of environmental approach that I do

1 expect that Mr. McGarry and Mr. Dyck will  
2 necessarily have to address that topic. But I  
3 understand environmental approach to mean  
4 generally the way in which my client tackled the  
5 initial assignment to look to the west side of  
6 this province to build a high voltage construction  
7 line, and that's the focus they will have. They  
8 will not in the initial presentations, the first  
9 week, be addressing the subject of cumulative  
10 effects. That I am leaving for the subsequent  
11 panels when we all return towards the end of  
12 October, early November. And I will be relying  
13 upon Mr. Osler to provide some input and to  
14 connect the input that each individual specialist  
15 had with respect to the subject of cumulative  
16 effects. So cumulative effects, not the first  
17 week of October, towards the end, but generally  
18 environmental approach, yes. I can't envision how  
19 Mr. McGarry and Mr. Dyck could tackle the route  
20 planning process in a presentation and ignore the  
21 subject of the overall environmental approach.

22           And I'm aware, most of you are not,  
23 that they had large input into the writing of  
24 chapter 4. Mr. Osler had some input as well.

25           On the subject, the thorny subject of

1 NFAAT, I'm not sure at the moment that I will  
2 bother to ask Mr. Mazur to have in his  
3 presentation, or that I will bother to ask him  
4 what alternatives were looked at as opposed to  
5 building Bipole III, but I may ask him to revisit  
6 ever so briefly what is in chapter 2. And I can  
7 reveal that Mr. Mazur and his staff were the  
8 original writers of the first draft of chapter 2.  
9 They approved the final draft but they didn't  
10 write the final draft of chapter 2. But I do  
11 expect to repeat with Mr. Mazur, with some  
12 assistance from Mr. Neufeld, to talk about the  
13 converter stations, as I said, what goes on in the  
14 converter station. And if one is building this  
15 new transmission line for purposes of reliability,  
16 why, and I'm sure you've all noticed this, some of  
17 did you in the IRs, why does it seem to come, I  
18 will call it dangerously close to Bipoles I and II  
19 in the Wabowden area? And I think that's an issue  
20 that Mr. Mazur ought to be asked to address. I am  
21 aware already today that I'm expecting him to deal  
22 with that in his presentation. So some might say  
23 that somehow is relevant to NFAAT. I would  
24 suggest otherwise, that it is relevant to a number  
25 of the issues, some of them certainly

1 environmental with respect to this project.  
2 Because the Wabowden area brings us into a  
3 socio-economic issue, the interests of mining, and  
4 it brings us into a vital interest with respect to  
5 the Wabowden caribou herd. And of course the  
6 Province has recently invited Manitoba Hydro to  
7 consider adjusting the route in several locations.  
8 And I think that was the first invitation from the  
9 Province, was to revisit where this route is  
10 planned in the Wabowden area.

11 So there is an interlock of a number  
12 of interesting issues and I expect that Mr. Mazur  
13 will be addressing that. But I'm not planning to  
14 call other witnesses from Manitoba Hydro to source  
15 through all of the different costs and all of the  
16 different alternatives, and how much work and  
17 effort was put into analyzing the alternatives.

18 I will leave it to Mr. Meronek and his  
19 client to determine what areas they wish to  
20 cross-examine, but I have certainly read with the  
21 greatest of interest the motion materials that  
22 Mr. Meronek filed, and the application of his  
23 client for funding. And I have learned some  
24 interesting things that I was not aware of until I  
25 read that material. But I rather anticipate that

1 I won't ask my client to give us the history of  
2 some of the things that Mr. Meronek's client has  
3 identified were once upon a time considered at  
4 Manitoba Hydro in order to meet the company's and  
5 the Province's need for a more reliable system.  
6 Thank you.

7 THE CHAIRMAN: Any further questions  
8 in that regard? Ms. Whalen Enns?

9 MS. WHELAN ENNS: Not specifically in  
10 that regard. I think we should check -- I had a  
11 couple of other questions.

12 The same one again, if I may, and that  
13 is, the description of the Manitoba Hydro panels  
14 and presentations, PowerPoint and so on, that  
15 means that I'm asking whether or not these  
16 materials will be available at the time they are  
17 in the room, at the time of presentation,  
18 electronically, on paper, or both, and quite  
19 specifically how soon we will have them  
20 electronically?

21 THE CHAIRMAN: The same answer we gave  
22 earlier, Ms. Whalen Enns. If you are in the room  
23 at the time, there will be paper copies. As far  
24 as electronic copies, as soon as we can feasibly  
25 do it. As Commission secretary noted earlier, we



1 have a very limited staff. When we are out of  
2 town or in hearings, our office is empty. We have  
3 most weeks only one day in our office, Fridays,  
4 that's when some of this stuff will get out. If  
5 something is presented on a Monday electronically  
6 we may not get it out electronically until the  
7 Friday, but hard copies will be available at the  
8 time that they are presented in the hearing room.

9 MS. WHELAN ENNS: Thank you,  
10 Mr. Chair. Has the Commission considered the  
11 straight forward approach of Manitoba Hydro simply  
12 providing these materials to participants?

13 THE CHAIRMAN: We haven't.

14 MS. WHELAN ENNS: Then if you would  
15 take it as a suggestion that I think would  
16 probably help everyone in the room.

17 THE CHAIRMAN: We will take it as a  
18 suggestion.

19 MS. WHELAN ENNS: Thank you. I had a  
20 second short question, if I may.

21 Thank you, Mr. Bedford, for the  
22 description of the panels, I actually got to five.  
23 And it is definitely a help. I did post last  
24 Friday, though, a request for the kind of  
25 information, with your list of witnesses and

1 experts, that is fairly usual in Manitoba Hydro  
2 filings. So the comparison then was to how the  
3 Keeyask EIS is set up, where there is information  
4 right away in volume 1 as to which firms worked on  
5 which chapters, which assignments they had, and  
6 also then which individuals in those firms. This  
7 is particularly relevant in as unusual a project  
8 as Bipole III is, so I'm hoping that we are going  
9 to see on the 17th something similar from you.

10           There are, of course, instances where  
11 individuals who were in the companies or  
12 consulting firms at the earlier stages of Bipole  
13 III's planning are now employees of Manitoba  
14 Hydro. So I think that it would be a help again  
15 to everyone. Will you be doing that for us?

16           THE CHAIRMAN: Ms. Whelan Enns, it is  
17 a small point, but you shouldn't be posting  
18 questions and sending them to everybody, you  
19 should send it to everybody, but the proper  
20 routing for such questions is through the  
21 Commission secretary. You shouldn't be putting  
22 something out in the never-land and then expecting  
23 Manitoba Hydro to respond. It should come through  
24 us, through the Commission secretary.

25           Mr. Bedford, did you have any response

1 to that?

2 MR. BEDFORD: Well, I certainly expect  
3 the CVs that we intend to file by Monday,  
4 September 17, will give adequate amount of detail  
5 as to whether my witnesses are employed as  
6 consultants or whether they are employed by  
7 Manitoba Hydro. And further I know in the case of  
8 Hydro employees, they will indicate the position  
9 in the company and generally how many years they  
10 have worked for Hydro, and whether they are  
11 engineers or have some other training and  
12 education to hold the jobs that they performed.

13 I'm quite happy, Ms. Enns, if you want  
14 to speak to me or one of our staff after and you  
15 would like us to just tell you more today, if you  
16 wonder whether an individual is a consultant or  
17 not.

18 I think the first week in October, I  
19 believe we are only calling two consultants,  
20 Mr. Dyck and Dr. Bailey from the United States on  
21 the subject of EMF.

22 THE CHAIRMAN: Will your submission on  
23 Monday include the description of the different  
24 panels that you just laid out this morning?

25 MR. BEDFORD: I wasn't intending to,

1 but that's relatively easy for me to do, so  
2 certainly we could do that on Monday, October 1,  
3 which would be hopefully a more rapid overview of  
4 what I've said this morning.

5 THE CHAIRMAN: Thank you.  
6 Mr. Meronek?

7 MR. MERONEK: Brian Meronek. Just in  
8 terms of the experts that are being called by  
9 Hydro, the outsource consultants, if you will,  
10 will they be giving evidence or commenting on the  
11 EIS as it stands, or will they be presenting other  
12 evidence? And if so, will they be filing expert  
13 reports? If they are going to be relying upon  
14 other literature, it seems to me only fair if we  
15 have to provide our literature, that the experts  
16 for Manitoba Hydro do the same.

17 THE CHAIRMAN: I would expect the  
18 same, but I will ask Mr. Bedford.

19 MR. BEDFORD: As of today I can tell  
20 you, Mr. Meronek, the answer is no. None of my  
21 witnesses are going to be filing new papers of any  
22 length. I have been as rigorous as I can be with  
23 the whole group of them, telling them that it is  
24 certainly expected of them to in some fashion  
25 summarize and present material from their

1 technical reports filed long ago, from the EIS,  
2 and I have encouraged them all to revisit the  
3 information requests that they have individually  
4 been responsible to answer and said they can draw  
5 on that information as well. I have said to them  
6 if there is absolutely anything that is new  
7 learning, new conclusions, new opinions, then I  
8 believe that the deadline of September 17 applies  
9 to that for the proponent, as it does for all of  
10 the participants, and agree with I think where  
11 Mr. Meronek was concerned, it would be unfair were  
12 it to be otherwise.

13 Now having said that, as one small  
14 example, the two fellows who are going to present  
15 on moose were asked by me to certainly include a  
16 map so we can all see where the province's hunting  
17 districts are, because it doesn't resonate in my  
18 head, district 14, 14(a) or 18. I said to them it  
19 would be helpful to present such a map when you do  
20 your presentation on moose. So they said to me,  
21 is that new evidence that we have to file by  
22 September 17? To which I said, no, I think it  
23 would be extraordinarily extreme for people to  
24 reject the use of that kind of map and say, we  
25 can't find that anywhere in your EIS or your

1 technical report.

2                   Having said that, though, any new  
3 conclusions or data, to repeat, I warned them all  
4 that I don't think they ought to be using it  
5 unless they filed at least a precis of it, a  
6 summary of it by September 17. And not a single  
7 one of them has advised me that, yes, we have done  
8 a new study, a new field report, we have reached  
9 new conclusions or we wish to alter conclusions  
10 that we have presented to date. So I am not  
11 seeking that from them and we don't intend to file  
12 it. If that changes after this morning, we will  
13 have to give some notice of it by September 17.

14                   MR. MERONEK: Thank you, Mr. Bedford.  
15 Chapter 2, near and dear to my heart -- by the  
16 way, it comes as no surprise that my heart has  
17 been broken, but I'm sure it will mend.

18                   I just want to be clear in my  
19 otherwise fuzzy thinking. For example, when  
20 Mr. Bedford mentioned reliability, is that off the  
21 table in the sense that -- is the Commission going  
22 to be making any recommendations or rendering any  
23 advice to the Minister with respect to whether the  
24 Bipole III is needed from a reliability point of  
25 view, or is it a given that Bipole III will be

1 built, it is just a matter of where? Because  
2 there are issues of reliability, there are issues  
3 of, you know, load forecast and matters of that  
4 nature. And so I would like clarification on  
5 that.

6 THE CHAIRMAN: We see those as being  
7 off the table. Any other questions or comments?  
8 Mr. Beddome.

9 MR. BEDDOME: Mine is just a quick  
10 comment, yours was about not circling any messages  
11 to all participants. I know it is a bit of a  
12 trade-off and I know we are all --

13 THE CHAIRMAN: No, no, I didn't say  
14 not doing that, I said that they should be  
15 directed to the Commission secretary. You can cc  
16 everybody, and you should cc everybody, but it  
17 shouldn't be just sort of posted --

18 MR. BEDDOME: Okay. So it is just a  
19 matter of direction, but we should need a carbon  
20 copy.

21 THE CHAIRMAN: Of course.

22 MR. BEDDOME: I appreciate that,  
23 otherwise we get separate conversations going on  
24 and it is hard for people to follow.

25 THE CHAIRMAN: That is a requirement

1 that you cc everybody. It is just that if you put  
2 it out there as a general email to everybody, then  
3 it may not get responded to. But if it goes to  
4 the Commission secretary and then a cc line to  
5 everybody else, that's fine. And that's the way  
6 it should be.

7 MR. BEDDOME: Thank you.

8 THE CHAIRMAN: Ms. Whelan Enns?

9 MS. WHELAN ENNS: Thank you,  
10 Mr. Chair, that's exactly what I did on Friday  
11 with the message I referred to, and it has a  
12 formal opening on it in terms of being a specific  
13 inquiry to the Commission.

14 THE CHAIRMAN: Thank you. Anybody  
15 else? Mr. Williams?

16 MR. WILLIAMS: Just for confirmation,  
17 I know there has been a dialogue between Manitoba  
18 Hydro and the Province. I think we see the  
19 acronym TAC reports and information responses as  
20 well. Just to confirm my understanding that those  
21 are already on the record of the proceeding?

22 THE CHAIRMAN: Yes, they are. They  
23 are on the record now and they do form part of the  
24 record that we review.

25 Any other questions? Technically, as



1 we were going through this record, we ended up at  
2 the end of week four, but we have covered general  
3 issues for the whole thing, but I will take you  
4 quickly through the rest of it.

5 MR. MADDEN: Mr. Chair?

6 THE CHAIRMAN: Mr. Madden, yes?

7 MR. MADDEN: I just have a question.  
8 With respect to dealing with the costs of the  
9 project, what panel or what witness would be  
10 addressing that for Manitoba Hydro?

11 THE CHAIRMAN: That's not on our  
12 agenda.

13 MR. MADDEN: Not at all?

14 THE CHAIRMAN: No. Getting back to  
15 the draft hearing outline or timetable, week five  
16 we are back in Winnipeg, that's when we get into  
17 the meat of the environmental issues. Week six we  
18 will follow up with cumulative effects,  
19 sustainability, et cetera. And then the final  
20 part of the environmental protection, follow-up  
21 and monitoring. Then some time in week six,  
22 hopefully, we will begin the participants'  
23 submissions, which will continue through the  
24 following week. And we see week eight, the week  
25 of November 19 to the 21st, as the final week

1 which will start with Manitoba Hydro rebuttal,  
2 followed by final arguments. We haven't set a  
3 time yet for final arguments, but in consultation  
4 with all of the participants and the proponent we  
5 will set a reasonable amount of time, but a  
6 definite limit to the amount of time each has for  
7 a final argument. And then around about  
8 November 21st or 22nd, we will adjourn the  
9 hearings and close the record.

10 I have just had a request for a  
11 biology break, so I think we will take a quick  
12 break, we will come back and finish off some  
13 comments on the draft hearing schedule in about  
14 ten minutes -- five minutes? The sooner the  
15 better.

16 (Hearing recessed at 11:29 a.m. and  
17 reconvened at 11:47 a.m.)

18 THE CHAIRMAN: Can we come back to  
19 order, please?

20 I don't think we need to go over this  
21 hearing schedule much more. I would just note a  
22 couple of things. In the next week or two Cathy  
23 will send out a more detailed agenda of where and  
24 when. In the city we will be meeting in at least  
25 three different spaces, I think. She is going to

1 talk about that a little later on, so we will  
2 leave that. The hearing times, will you talk  
3 about hearing times?

4 MS. JOHNSON: Yes.

5 THE CHAIRMAN: So, we will leave that  
6 as well.

7 Mr. Dawson, I would like to clarify  
8 one thing. I think you may have misunderstood  
9 what I said earlier when I was talking about  
10 cross-examining evidence. You would not have an  
11 opportunity to cross-examine that evidence at the  
12 time that it is presented if it is in an exchange  
13 between a presenter and Manitoba Hydro, but it is  
14 always open to you to bring that up at another  
15 time when Manitoba Hydro has their panel on the  
16 stand. So you could bring up, say, well, you  
17 know, in Gillam last week you said this, blah,  
18 blah, blah. You can challenge it at that point.  
19 So we are not cutting off your right to challenge  
20 evidence.

21 Any other questions in respect of the  
22 hearing schedule? Let's move on then. Cathy has  
23 a number of logistical things that she will bring  
24 up and I will turn it over to her.

25 MS. JOHNSON: Okay. I sent out that

1 poster with all of the dates and times on it, and  
2 I apologize, the errors have been corrected before  
3 it went widespread distribution. So all of the  
4 days are on there. We will be starting  
5 October 1st, in Winnipeg at the Fort Garry Hotel  
6 in the Crystal Ballroom on the 7th floor. That's  
7 for just the first week. After that we go to the  
8 rural locations, which we have discussed. And if  
9 anybody has any more questions about that, we can  
10 address them later. Then we are back in Winnipeg  
11 on the 29th of October, back at the Fort Garry  
12 Hotel in the Crystal Ballroom. The next week we  
13 are still at the Fort Garry Hotel but we will be  
14 in the Grand Ballroom, which is Fort Garry Place,  
15 right behind the hotel, you can access it through  
16 the parkade or right through the hotel itself. It  
17 is kind of a hike if you go through the hotel.

18 We will be having two evening  
19 sessions. These will be on November 1st to  
20 November 8th. Those are for public presenters who  
21 aren't able to appear during the day.  
22 Essentially, that's what they are for, we will see  
23 what the uptake is. If not, we may just continue  
24 with regular business, but we will see how that  
25 works out as we get the applications.

1                   The Winnipeg Convention Centre is the  
2 last two weeks, the week of November 13th to 15th  
3 we will be in room 2E. I'm not sure where that is  
4 at the moment but we will figure that out before  
5 that time. And the week of the 19th to 22nd, we  
6 will be in meeting room 3, which I believe is on  
7 the main floor.

8                   Okay. As far as your presentations at  
9 the hearing, we will have a computer with  
10 PowerPoint and a projector, it will be available  
11 for you to use, but as proponents and  
12 participants, oftentimes you want to use your own  
13 equipment because you are more familiar with it.  
14 That's okay as long as you set it up before, at a  
15 time that's convenient for everybody, either  
16 before the hearing, take it down after or at a  
17 break, unless you are using it the whole day,  
18 because some of you will be there for a while.

19                   THE CHAIRMAN: Can I just underline  
20 that, Cathy?

21                   During the Wuskwatim hearings and, you  
22 know, that's almost ten years, about eight years  
23 ago, technology wasn't perhaps as good as it is  
24 today, but we spent an awful lot of time, hearing  
25 time, setting up computers and setting up memory

1 sticks or whatever. We don't want to -- we won't  
2 tolerate that this time. So please bring your  
3 stuff on a memory stick that's compatible, or  
4 bring your own equipment that can be changed very  
5 quickly.

6 MS. JOHNSON: And as PowerPoint, just  
7 be aware of PowerPoint etiquette, I think a lot of  
8 you are. Make your slides readable, minimize the  
9 engineering schematics because those don't work  
10 for anybody, watch your colour schemes because  
11 some people are colour blind, and please don't use  
12 solid dark backgrounds because they gum up the  
13 copy machine.

14 If you want more information you can  
15 check out your "making your presentation" tip  
16 sheet in your book.

17 And I believe we had questions about  
18 copies of the material. The directions start on  
19 page 49 of the manual if you want more  
20 information. An electronic copy is required for  
21 the CEC, so it can accompany the paper copies.  
22 This is for copies shared at the hearing, not all  
23 of the other stuff, but I will speak to that in a  
24 minute. So anything you want to present at the  
25 hearing and you want to share with everyone, these

1 are the copies. You can bring a CD or a flash  
2 drive with the paper copies, or you can email us  
3 the appropriate information if it is of a size  
4 that will go through email. I have a feeling that  
5 some of it won't, especially if you add pictures  
6 and that kind of thing. So we will need a CD or  
7 flash drive then.

8           Please, please, make your file names  
9 distinctive. I don't know how many CEC  
10 presentations I have seen and have no idea who  
11 they belong to until I have to read the whole  
12 thing. Please include your name or your  
13 organization somewhere in the title of your  
14 presentation. That goes the same for CDs and  
15 flash drives, please label them so we know what  
16 they are and who they came from.

17           You will need 50 copies, that's 50  
18 copies to share with the panel and all of the  
19 participants. Ten are required for the panel, ten  
20 for the proponent, and three each for the  
21 participants and the department. If you want to  
22 supply some for the audience, it is up to you but  
23 you are on your own hook for that.

24           When you come in, please deposit your  
25 copies at the reception desk, and the Commission

1 staff will distribute them at an appropriate time  
2 and in an appropriate manner.

3           For funded participants, you have  
4 money allocated for this purpose -- this is  
5 including Hydro -- if do you not have your copies  
6 ready when you are scheduled to appear, you will  
7 not go on. You will lose your spot, you may be  
8 rescheduled where it is convenient for us, and not  
9 maybe so much for you. And we will give you a  
10 copy of the nearby copy shops. So get your work  
11 done.

12           For the unfunded participants, we will  
13 do our best to assist you, but we need at least  
14 three working days to receive the original  
15 information to be able to get it done on time. We  
16 can't copy odd sized things like maps and charts,  
17 we can only do eight and a half by 11, and 11 by  
18 14. So if you have maps and charts, you are going  
19 to have to find another way to get those to us.  
20 All the copies will then be in black and white  
21 except for the original that will go on file. Due  
22 to the numbers of copies that are required and the  
23 thickness of these copies, we will not be doing it  
24 at the hearing, so you have to make sure you make  
25 your arrangements with us in plenty of time.



1                   As for the materials that are required  
2    on the 17th, and one week before your  
3    presentation, if it is just a straight text  
4    document, that's okay, we can -- you can just send  
5    it that way electronically. We also need an  
6    electronic copy even if you provide paper copies.  
7    But if you have odd sized stuff, lots of colours  
8    and all kind of things, we need ten copies for the  
9    Commission. So just letting you know ahead of  
10   time.

11                   Okay. When you are presenting, ensure  
12   you speak into the microphone or the transcriber  
13   and the audience can't hear you. And speak at a  
14   speed that the transcriber can keep up, otherwise  
15   one of two things will happen; we will interrupt  
16   ad nauseam as necessary and that will cut into  
17   your presentation time; or the transcriber will  
18   only record whatever words she can understand,  
19   which may be every fifth word and blanks in  
20   between. So just be aware of that. We will put  
21   little notes on the table so that will remind you,  
22   because I know people get nervous and get going  
23   and things get out of hand sometimes.

24                   I would also request that I have a  
25   written list of presenters, those are the

1 community presenters. It would be nice to have it  
2 a week before, but at least when they are ready to  
3 appear, just so we can have the names correctly  
4 spelled and know who they are in the transcripts.

5 As for presenters, this is the public  
6 presentations, they will be scheduled in at  
7 appropriate times. As I said, we have two evening  
8 sessions for these people. Depending on the  
9 number of presenters, we will try to schedule them  
10 in a couple -- in a block of a couple of hours at  
11 a time. And these blocks might be just  
12 interspersed with participant presentations. We  
13 will see how it shakes out and how many people  
14 really want to speak with us.

15 The Commission will assist these  
16 presenters in making copies of their presentations  
17 up to five pages, or five pages or less. In this  
18 case we won't be making 50 copies, we will make  
19 about 20, ten for the Commission, a couple for the  
20 proponents, and one each for the participants that  
21 are in attendance.

22 In the rural sessions Hydro will  
23 provide copies of their overview for attendees,  
24 and we will work out the numbers when we have a  
25 better idea who is going to show up there. The

1 rest of the attendees in the community will  
2 probably be presenters, and we will assist them in  
3 making copies of their presentations. If you know  
4 individuals who want to speak, please encourage  
5 them to sign up ahead of time. They can do this  
6 either online through our website, through your  
7 phone, we have a mobile site. Do not fax because  
8 there will be nobody there to pick up the  
9 information. And otherwise, a phone call will  
10 work, leave a message and we will get back to you,  
11 and we will take all of the information you  
12 provide us. As we said before, these presenters  
13 will have 15 minutes and that's going to be pretty  
14 firm.

15 We are asking for seven days notice,  
16 mostly for scheduling purposes, but we will  
17 generally accept an application anytime, even on  
18 site. But the sooner that anybody can provide us  
19 with the information, the sooner they will get  
20 their spot and we will know how many people we are  
21 dealing with.

22 If they wish to make a PowerPoint  
23 presentation, they can, but they will have to use  
24 our equipment, there will be no switching in and  
25 out. And they can either mail it to us prior to

1 the date that they appear, or they can bring a CD  
2 or a flash drive and we will load it up on our  
3 computer and we will keep a copy.

4           Please advise them not to include any  
5 personal information in the presentation  
6 materials. Just make sure that their name and/or  
7 their organization is on it. I just don't like  
8 posting that kind of stuff on the internet, even  
9 though it is public information as far as we are  
10 concerned, but to me you end up with all kinds of  
11 other problems for them.

12           As we said, we will endeavor as  
13 quickly as possible to post the presentations on  
14 our website site as we see fit. In general, we  
15 will post the main presentation, and where needed  
16 we will accompany it with a message that says that  
17 the supporting documentation can be viewed or  
18 acquired from the Commission. And if somebody  
19 asks us, we will email them if the information is  
20 of such a size that it can be emailed without a  
21 problem. So we are not trying to withhold  
22 anything, it is just a management problem here.

23           And if presenters don't wish to have  
24 their materials posted on our website, they should  
25 advise us by writing that on their presentation

1 material when they give it to us.

2                   We will also accept written  
3 submissions and these can be submitted online as  
4 well. You can email us at cec@gov.mb.ca, or by  
5 snail mail, but the deadline for written  
6 submission is November 1st. And if they are sent  
7 by email, again, we please ask that the submission  
8 be as an attachment rather than part of the email  
9 so that the personal information is not included.  
10 And written submissions will be circulated to all  
11 the parties as they become available and will be  
12 part of the hearing record.

13                   We will have wifi available in  
14 Winnipeg sites only. I'm asking that you use this  
15 judiciously and not just use it to check your  
16 Facebook, but actually use it for work. If you do  
17 need wifi access, could you give me idea,  
18 especially in the first week, of who might need  
19 it -- I'm not sure what arrangements the proponent  
20 has made, but we can talk about that later -- so  
21 we can hook up the required number of accounts.

22                   Okay. Personal equipment, if you  
23 bring such things with you as computers and  
24 peripherals, accessories, please label them. At  
25 the end of the hearing we end up with a box full

1 of odds and sods and we have no idea who they  
2 belong to, such things as mice and power adapters,  
3 and who knows what. You may want to go as far as  
4 your travel mugs, maybe even your clothing. I  
5 don't know, we end up with all kinds of things  
6 left over.

7                   As far as extension cords and other  
8 such cords, we are going to try and have a power  
9 bar at each of your tables. There may not be a  
10 lot of sockets, so please share the best you can.  
11 We can't have extension cords strung across the  
12 aisles or along the side because it causes an  
13 accident, insurance and liability risk for us. So  
14 anything that's across the floor needs to be taped  
15 down. So if at all possible use the outlet that  
16 we give you. If not, Mr. Frank there has a roll  
17 of tape all of the time to tape any cords down  
18 that may be in the way.

19                   As we have gone more to the electronic  
20 versions of things, we will be preparing only a  
21 minimum number of printed reports. If you wish  
22 printed reports, let me know and let me know the  
23 numbers. You don't have to tell me today, we can  
24 wait until we are in the report writing phase.  
25 But we are not going to deny you printed reports,

1 we just want to get an idea of how many we should  
2 be printing, so as not to have cupboards full like  
3 we have of some of the reports that we have that  
4 nobody wants.

5 So that's it for me. If you have  
6 questions, please ask.

7 THE CHAIRMAN: Mr. Mills?

8 MR. MILLS: Yes, Mr. Chairman. I  
9 anticipate that some of our clients, in particular  
10 the elders, may have trouble with the technical  
11 language and the speed at which this process  
12 moves. You had denied our request for translation  
13 support in our funding request. Will you be able  
14 to provide, or will the process be able to absorb  
15 Saulteaux Winnipegosis dialect questions asked of  
16 this committee in Dauphin? If not, would you  
17 reconsider translation support for Pine Creek  
18 First Nation? Thank you.

19 THE CHAIRMAN: We have in the past  
20 provided on-site translation services where it has  
21 been necessary. Again, it is a matter I think  
22 that we can't resolve around this table right now.  
23 If you can speak with the Commission secretary and  
24 indicate what you have in mind and what your needs  
25 are, we may be able to meet that. I can't

1 guarantee it but we can certainly consider it.

2 MR. MILLS: Thank you. We will  
3 request a Saulteaux Winnipegosis dialect  
4 translation, certainly in Dauphin and perhaps in  
5 Winnipeg, but we will let you know. Thank you.

6 THE CHAIRMAN: Ms. Whelan Enns?

7 MS. WHELAN ENNS: This is just a small  
8 comment. There have been I think fairly  
9 successful instances in CEC hearings where the  
10 presenter or the funded participant also chose to  
11 bring their interpreter or translator with them,  
12 where it was a dual. You have got to make good  
13 use of the time, but there have been successful  
14 instances also. I thought I would mention it.

15 THE CHAIRMAN: Thank you. Any other  
16 questions on logistical matters? Any other  
17 questions on anything that we have dealt with this  
18 morning? Mr. Bedford?

19 MR. BEDFORD: I am reminded that with  
20 respect to the September 17 deadline, we recently  
21 received the self-directed study of Wuskwi Sipihk  
22 First Nation, and I anticipate we will file copies  
23 of that by September 17. That's another one of  
24 the ATK self-directed studies that was provided to  
25 Manitoba Hydro, although as I say, we only



1 recently received it. But in fairness and to  
2 follow the pattern we did with everyone else, I  
3 think it should be filed. We may receive a  
4 further submission from Fox Lake that it has  
5 wanted us to file. We don't have their updated  
6 version today. They have given us drafts which  
7 they have retracted. They are aware of the  
8 deadline, I understand. If they meet it, we will  
9 file their original document, but I'm not  
10 optimistic that that will happen.

11 My client tells me that we will file a  
12 modest update to the project description in the  
13 Gillam area with respect to the lagoon work which  
14 was recently licensed by Manitoba Conservation,  
15 and we will file an update to specify what that  
16 change is.

17 THE CHAIRMAN: Thank you. Ms. Whalen  
18 Enns?

19 MS. WHELAN ENNS: Gaile Whelan Enns,  
20 in this instance Whelan Enns Associates, in a  
21 common question. The Wuskwi Sipiik ATK project  
22 through Manitoba Hydro was completed in the summer  
23 of 2011. Some of the materials from that study  
24 are in the EIS, so perhaps Mr. Bedford is  
25 referring to an update. Wuskwi Sipiik also most

1 recently, and I'm not aware whether they are  
2 finished or not yet, has been working rapidly  
3 through their Section 35 project which, of course,  
4 is Manitoba Crown funding, happens to be through  
5 Manitoba Conservation.

6 THE CHAIRMAN: Thank you. Any other  
7 specific questions on what we have covered this  
8 morning? Any other business that anybody wishes  
9 to bring up at this point?

10 Okay, thank you very much. I think  
11 this has been a reasonably productive meeting, if  
12 not the most exciting of topics. We look forward  
13 to seeing you all bright and early on the morning  
14 of October 1st at the Fort Garry Hotel. The  
15 meeting stands adjourned.

16 Can I just -- one thing. Wayne just  
17 asked a question about the time of the meetings,  
18 I'm not sure Cathy covered that. Typically our  
19 meetings in the morning run 10:00 a.m. to noon,  
20 afternoon -- we are starting at 9:00?

21 MS. JOHNSON: We are starting at 9:00.

22 THE CHAIRMAN: This may be debated  
23 yet. She says from 9:00 to noon and 1:00 to 5:00.  
24 When we have evening meetings they are 7:00 to  
25 9:00. We don't meet in the morning when we have

1 an evening session.

2 Ms. Whalen Enns?

3 MS. WHELAN ENNS: I just want to thank  
4 the chair for opening that door. The first week  
5 in October is heavy, the beginning of this is  
6 heavy for all participants and proponents. A  
7 10:00 a.m. start I think improves the quality of  
8 the work in the room and the participation because  
9 people can do their preparation for the day.

10 THE CHAIRMAN: We will let you know.

11 (Concluded at 11:59 a.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

This document was created with Win2PDF available at <http://www.win2pdf.com>.  
The unregistered version of Win2PDF is for evaluation or non-commercial use only.  
This page will not be added after purchasing Win2PDF.