

Manitoba



Justice

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In reply, please refer to:

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File No: EN0300 (289)

December 2, 2013

SENT VIA COURIER

Ms Gaile Whelan-Enns
Manitoba Wildlands
565-167 Lombard Avenue
Winnipeg MB R3B 0V3

Dear Ms Whelan-Enns:

**Re: Bipole III Transmission Line Development Project – Environment Act
Licence No. 3055 – Appeal to Lieutenant Governor in Council**

Please be advised that we are acting as legal counsel to the Lieutenant Governor in Council (also known as Cabinet) for the purpose of the appeals of Environment Act Licence No. 3055 (the "Licence") issued by the Minister of Conservation and Water Stewardship (the "Minister") for the Bipole III Transmission Line development project. We are writing to you to explain the process that will be followed for the appeals to Cabinet.

The procedure for the appeals of the Licence will be as follows:

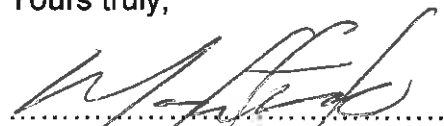
1. The Cabinet appeal will be a written hearing only. This procedure follows the practice employed in past appeals of this nature.
2. We will compile a "record" that will include the materials that were considered by the Minister in deciding to issue the Licence.
3. The contents of the record will be put into an "Appeal Book". Copies of the Appeal Book will be made available to the appellants and, while the appellants have already made submissions in their correspondence to the Minister appealing the Licence, they will be given the opportunity to make an additional written submission, should they choose to do so.
4. The Appeal Book, the appellants' initial appeal submissions and any additional submissions the appellants might make will be provided to the respondent, Manitoba Hydro, and the Department of Conservation and Water Stewardship

(the "Department"). Manitoba Hydro and the Department will also be given the opportunity to respond to the appellants' submissions in writing.

5. The appellants will be provided with copies of Manitoba Hydro's and the Department's written submissions, if any. The appellants will then be provided a brief period of time to prepare and respond in writing to any *new and relevant* matters or issues addressed in the submissions of Manitoba Hydro or the Department, should they see the need to do so.
6. Timelines will be established for the procedure described in paragraphs 3-5 above in order to ensure that the appeals will proceed expeditiously.
7. Once all submissions have been completed, they will be compiled in a "Submissions Book". The Appeal Book and the Submissions Book will be made available to the members of Cabinet for their review and consideration. Cabinet will consider the appeals at one of its regular Cabinet meetings.
8. We can advise that the Honourable Gord Mackintosh, Minister of Conservation and Water Stewardship, will not be participating in the appeals as he is the decision-maker whose decision is the subject matter of the appeals. Other Ministers whose direct responsibilities are in a position of conflict will similarly be excluded from the process.
9. You will be advised of the disposition of the appeals in due course.

You will receive a copy of the Appeal Book shortly and you will be advised of the relevant timelines for providing additional written submissions in this matter at that time. In the interim, if you have any questions about the appeal process, please do not hesitate to contact me.

Yours truly,



MARK STONYK / AARON BERG
Crown Counsel / General Counsel

MKS/ce