

January 18, 2013

Brian Meronek Q.C.  
D'Arcy & Deacon LLP  
2200-One Lombard Place  
Winnipeg, MB R3B 0X7

Mr. Meronek:

**Re: Notice of Motion Filed on Behalf of Bipole III Coalition**

I write in response to the Notice of Motion you filed on January 11, 2013, on behalf of the Bipole III Coalition.

In this Motion, you seek the following:

1. To be allowed to cross-examine Manitoba Hydro on the issues raised by the Commission during the Hearing on November 22, 2012, and, in part, further elaborated in the Commission's letter to Manitoba Hydro, dated December 3, 2012.

These issues are:

- The feasibility of terminating Bipole III at the Dorsey Converter Station and re-routing Bipole II to the Riel Converter Station; and
  - The feasibility of using underground cable for part of the Bipole III Route which traverses agricultural land.
2. To be allowed to present expert evidence in the form of two Reports dealing with both of these options; and

To be allowed to submit these reports no later than February 25, 2013.

3. That Manitoba Hydro be required to submit any rebuttal evidence – in writing – no later than February 11, 2013; and

That Rebuttal Evidence be subject to cross-examination by the Participants.

The Hearing Panel, at a meeting on January 15, 2013, considered this motion and gave instructions to the Commission's counsel, Michael Green, to discuss this matter with the Proponent's counsel Doug Bedford.

Mr. Green has advised the Panel that the Proponent will not oppose your motion, as long as some minor considerations are granted to the Proponent. Mr. Bedford has asked that the requirement to file any rebuttal evidence prior to the resumption of hearings would apply only to evidence already before the hearing. He asks that, should the new evidence presented in March 2013 give rise to the need for further rebuttal, this would not be precluded because of a February deadline.

The Panel, on January 15, also considered the two deadlines suggested in your motion.

Given that the Respondent, Manitoba Hydro, will not oppose your motion, the Panel concludes that there is no need to hold a hearing on this matter. We are prepared to make a ruling based on your Notice of Motion and Argument, as well as the discussions between counsel.

The Panel's decisions are:

1. The Bipole III Coalition and other Participants will be allowed to cross-examine Manitoba Hydro on the issues relating to:
  - The feasibility of terminating Bipole III at the Dorsey Converter Station and re-routing Bipole II to the Riel Converter Station; and
  - The feasibility of using underground cable for part of the Bipole III Route which traverses agricultural land.
2. The Bipole III Coalition will be allowed to present expert evidence in the form of two reports dealing with both of these options. (These reports are as described in your written Argument.)
3. The reports, as well as an outline of the presentation, are to be submitted to the Commission no later than February 18, 2013.
4. Manitoba Hydro will be required to submit any rebuttal evidence on the existing record – in writing – no later than February 18, 2013.

5. Should Manitoba Hydro wish to file rebuttal evidence on the Coalition's new evidence, it will be allowed on conditions deemed fair by the Panel.

Given that the Commission's *Procedural Guidelines* allow for cross-examination on any new evidence presented in the rebuttal evidence, there is no need to decide on this request.

Please note that the Panel has changed both dates presented in the Motion to comply with the *Guidelines* and the Practice Direction *Disclosure, Witnesses and the Fourteen-Day Rule*.

Both the Coalition's reports and the Proponent's rebuttal must be filed with the Commission by **Noon on February 18, 2013**.

Should you have any further questions about this matter, please contact Mr. Green or the Commission Secretary, Cathy Johnson.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Terry Sargeant', written over a faint, illegible stamp.

Terry Sargeant  
Chair

cc: Doug Bedford