

MANITOBA CLEAN ENVIRONMENT COMMISSION

IN THE MATTER OF: BIPOLE III TRANSMISSION PROJECT
ENVIRONMENTAL IMPACT STATEMENT

AND IN THE MATTER OF: Motion to be Brought before the Clean
Environment Commission pursuant to CEC
Process Guideline 2.08 as amended

NOTICE OF MOTION

The **Bipole III Coalition** (Coalition) makes a Motion in writing before the Manitoba Clean Environment Commission (CEC) for the following:

THE RELIEF SOUGHT IS:

1. An Order or Direction that the Participants be allowed to cross-examine Manitoba Hydro witnesses on the issues raised by the CEC at the end of the Hearing on November 22, 2012, relating to Bipole III Route changes and construction methods;
2. An Order or Direction allowing the Coalition to pursue and complete its cross-examination of Manitoba Hydro witnesses relating to the possible use of underground cable for part of the Bipole III Route which traverses agricultural land;

3. An Order or Direction to allow the Participants to cross-examine Manitoba Hydro witnesses on the Responses to Information Requests asked of Manitoba Hydro by the CEC by way of its letter from the Chair dated December 3, 2012;

4. An Order or Direction allowing the Coalition to present expert evidence in the form of two Reports dealing with:
 - (i) options to the Bipole III Route terminating at the Riel Converter Station as proposed by Manitoba Hydro; and
 - (ii) the possibility of the use of underground cable for part of the Bipole III Route traversing prime agricultural land;

5. An Order or Direction that such expert Reports be submitted to the CEC; the Proponent and the Participants no later than February 25, 2013; and,

6. An Order or Direction that any Rebuttal evidence of Manitoba Hydro be:
 - (i) submitted in writing by February 11, 2013; and
 - (ii) subject to the cross-examination by the Participants.

THE GROUNDS FOR THE MOTION ARE:

1. The CEC Process Guidelines for Public Hearings, including section 2.08 dealing with motions;
2. The Directive of the CEC contained in its December 3, 2012 letter to Manitoba Hydro;
3. The evidence submitted to the CEC by the Coalition demonstrates potentially significant, continual and long-term detrimental impacts which Bipole III will have on agricultural lands. Therefore, mitigation by relocation and other ameliorating measures ought to be considered rather than just the consideration of compensation as relief;
4. The assessment by the CEC of relocation of routes and methods of construction are in scope with the stated Terms of Reference and within the jurisdiction of the CEC to consider;
5. Evidence of issues dealing with cost, timing, location and construction methods are already on the Record, but are in an incomplete state;
6. Natural justice requires that the Participants be allowed to test the evidence presented by the Proponent in a complete and fulsome

manner by way of cross-examination, as well as with the introduction of evidence in response to the Manitoba Hydro filings and evidence in these matters;

7. The state of the Record is incomplete without permitting the requested cross-examination and Participant evidence in response;
8. Such further and other grounds as counsel may advise and the CEC in its discretion may allow.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

1. The Terms of Reference of the Minister of Conservation dated December 5, 2011;
2. The Terms of Reference of the Minister of Conservation dated August 23, 2012;
3. The transcript of the proceedings, specifically:
 - (a) October 3, 2012 (T-553-72);
 - (b) November 1, 2012 (T-2985-3002);

- (c) November 7, 2012 (T- 3663-68);
 - (d) November 8, 2012 (T-4255-64); and
 - (e) November 22, 2012 (T-5799-5848);
4. Letter from CEC to Manitoba Hydro dated December 3, 2012;
 5. Such further and other documents as counsel may advise and the Board at its discretion may allow.

January 11, 2013

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BIPOLE III COALITION

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