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Matter No.: MMF-518

August 13, 2012

**VIA EMAIL**

Clean Energy Commission  
Bipole III Hearing Panel  
305-155 Carlton Street  
Winnipeg, Manitoba  
R3C 3H8 CANADA

**ATTENTION:**     **Cathy Johnson, Secretary to Panel**

Dear Ms. Johnson:

**RE: MOTIONS FOR AUGUST 16, 2012**

We are counsel for the Manitoba Métis Federation ("MMF") in the Bipole III hearing process currently before the Clean Environment Commission ("CEC"). I would ask that you provide a copy of this letter to the Panel conducting the Bipole III hearing.

We are writing in response to the motions filed by the Consumers Association of Canada, the Bipole III Coalition and Peguis First Nation, requesting an adjournment to the October 1<sup>st</sup>, 2012 hearing date in this proceeding.

The MMF supports the requests of the moving parties to adjourn the October 1<sup>st</sup> hearing date. Such a start date would be unfair and prejudicial to the parties. As the CEC is aware, Manitoba Hydro has not met its deadline to file responses to the first Round of IRs. We now understand that these responses will be forthcoming on or before August 16<sup>th</sup>, 2012. This makes the filing of the second round of IRs from the parties by August 17<sup>th</sup>, 2012 impossible. At the very least, the MMF's experts require 2-3 weeks to review Manitoba Hydro's round one IR responses, and to provide IRs for round two. Following that, the MMF would expect that Manitoba Hydro would need another 2-3 weeks for their responses to be completed. Following this, the MMF's experts would need, at a minimum, a month to finalize their reports in order to file them 15 days prior to the commencement of the hearing.

The MMF is supportive of the requests from some of the parties to adjourn the hearing start date to February 2013. However, it also provides the following adjusted schedule as an alternative based on consultation with its experts on the minimum amount of time required in order to fairly and meaningfully prepare for the hearing.

DATE	DEADLINE
August 16, 2012	Manitoba Hydro Provides Responses to IRs (Round One)
September 14, 2012	Deadline for IRs from Parties (Second Round)
October 5, 2012	Manitoba Hydro Provides Responses to IRs (Round Two)
November 5, 2012	Filing of Expert Reports
Late November 2012 to December 2012	Hearing Begin

Also, the MMF requests that the CEC not make any final determinations with respect to the applicability of the Crown's duty to consult and accommodate in this hearing until the MMF is provided an opportunity to provide written and oral submissions as a part of its own motion on this topic, unrelated to the adjournment request.

As previously indicated, the MMF objected to the August 16<sup>th</sup> motion hearing date because neither of its counsel were available to attend on that date. It is our understanding, based on correspondence from the CEC, that the MMF will be provided the opportunity to file its own motion on or before August 22<sup>nd</sup> to be heard August 30<sup>th</sup>.

We intend to file a motion in relation to the Crown's duty to consult and accommodate, but our argument and the remedy requested will not be identical to the Peguis First Nation. Therefore, consistent with the CEC's changes to its Process Guidelines (Section 2.08) which now state "on hearing a motion, the Commission may allow, dismiss or adjourn the motion, in whole or in part, and with or without terms," (emphasis added) we request that any determinations with respect to the Crown's duty to adjourned until the MMF has an opportunity to make submissions on this important issues.

We do not ask for a delay in consideration of the duty in the context of the Peguis First Nation's adjournment request, but do ask that final determinations with respect to the duty not be made until the MMF's motion is heard. We believe that submissions from the MMF's counsel on this issue will be of assistance to the CEC, and are necessary in order to ensure fairness to the Manitoba Métis Community.

We thank you for your consideration of our submissions.

Yours very truly,



Jason Madden

c.c. Parties in Proceeding