

Provincial Ombudsman
750-500 Portage Ave.
Winnipeg, MB

September 28, 2012

Dear Mel Holley,

I am writing to you today to issue a complaint regarding Manitoba Hydro's refusal to release a single receipt from \$223,531,822.71 of dam negotiation expenditures.

The near quarter of a billion dollars in expenses were incurred by aboriginal bands in Northern Manitoba and paid for by Manitoba Hydro to primarily cover off legal and consulting work for the Conawapa, Keeyask and Wuskwatim dam projects as well as the future Bipole III transmission line. The expenses cover the period 1999-2012.

Manitoba Hydro's refusal to release details on these expenditures goes against the entire spirit of the *Freedom of Information Act*.

It is unacceptable for any public institution in a democratic country such as Canada to spend nearly a **quarter of a billion dollars** and expect to keep details of those expenditures completely hidden from the public.

[Exhibit A](#) (see appendix) provides a bit of a breakdown of the \$224 million; noting amounts by community, project and year.

In [Exhibit B](#), you will see I attempted to obtain information on some of these expenditures by requesting details on one pocket of the \$224 million; \$4.28 million that was spent on community costs by the Cree Nation Partners.

Hydro refused to release details on those expenditures, claiming it would hurt relations with a reserve and would reveal "commercial, financial, labour relations, scientific or technical information supplied to the public body by a third party explicitly or implicitly."

We reject that claim, and note that public bodies often reveal information about funds paid to private businesses. For example, if you visit the City of Winnipeg's web site you can see [closed tender results](#).

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Further, [volume two of the province of Manitoba's annual Public Accounts](#) documents regularly discloses details on how much firms received from each department in the government.

We have often applied for and received numerous contracts between government bodies and private firms/organizations in the past. For example, if you look at [Exhibit C](#), you will see a FOI response that releases a contract between the Department of Labour and Immigration and the United Food and Commercial Workers Union.

When releasing contracts or details on expenditures involving private firms, public bodies often black out commercially sensitive information such as hourly rates.

There is no reason why Manitoba Hydro could not do the same - black out hourly rates while noting totals of funds provided to each firm as well as information on work that was completed.

We are asking you to recommend Manitoba's Information Commissioner require Manitoba Hydro to release details on the entire \$224 million it has spent as it would be in the public interest to do so; especially as grassroots band members have been vocal in calling for the same transparency and have been alleging misuse of some of these funds.

While Manitoba Hydro claims a release of these details would hurt relations with aboriginal reserves, one has to ask what could be so harmful?

Hydro has already released total expenditures by community over the past 13 years. Don't people living on those reserves, and ratepayers across the province deserve to know how those funds were spent?

Obviously the answer is "yes." In fact, Manitoba Hydro provided a breakdown of \$32,000 provided to the Southern Chiefs Organization for expenses related to the Bipole III line (see [Exhibit D.](#)) There is no reason why greater disclosure cannot occur for the bulk of the \$224 million.

In conclusion, it is unacceptable for Manitoba Hydro to spend nearly a quarter of a billion dollars and expect it can keep the details of those expenditures hidden from the public. Allowing Manitoba Hydro to do so goes against everything the *Freedom of Information Act* stands for.

We look forward to your response to this complaint.

Sincerely,

Colin Craig

Colin Craig,
Prairie Director – Canadian Taxpayers Federation