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February 26, 2021, Grand  
Chief Dumas stated that  
Bill 35 is inequitable and  
harmful to First Nations and  
First Nations citizens.*

## Bill 35 - The Public Utilities Ratepayer Protection Regulatory Reform Act

Sponsored by the Honourable Mr. Fielding, Minister of Finance

First Reading: October 14, 2020

No update

Royal Assent: N/A

### About the bill

- Bill 35 weakens the Public Utilities Board (PUB), which is responsible for approving rate changes for Crown corporations such as Manitoba Hydro.
- Currently, electricity rates are approved yearly by the PUB. This bill removes that authority and allows electricity rates to be set by the government until March 31, 2024; then, the PUB would meet every five years to approve rates.
- It also limits the PUB's ability to factor in socioeconomic factors, as the government would have to establish policies the PUB has to follow when ruling on rate change proposals. Any rate adjustments would have to be approved through government regulation.

### How the bill affects First Nations

- Manitoba Hydro is a Crown corporation with a monopoly over electricity in the province. This bill takes away the PUB's oversight of Manitoba Hydro's electricity rates and instead allows the Government of Manitoba to make these decisions without having to justify any rate increases.
- As part of a General Rate Application, the PUB created a separate customer class for First Nations living on reserve. This class did not have an electricity rate increase due to energy poverty and other social issues. Manitoba Hydro appealed this matter to the Manitoba Court of Appeal and won. The AMC appealed this decision to the Supreme Court of Canada, but the Supreme Court of Canada did not allow for the case to be appealed. Bill 35 would not allow the PUB to decide electricity rates based on bill affordability and other social factors in the future.

### AMC's position on the bill

- The AMC ECC opposed this bill as part of the current suite of legislation because of the lack of consultation and the effects on First Nations and their rights.
- The AMC supports the PUB's decision that on-reserve ratepayers should not have an increase in electricity rates. Therefore, removing or limiting the PUB is not in First Nations' interests.
- This bill also eliminates the consideration of bill affordability or other socioeconomic factors from the PUB's jurisdiction, providing Manitoba Hydro with less oversight to the detriment of First Nations and their citizens.

### AMC activities on the bill

- In a press release on February 26, 2021, Grand Chief Dumas stated that bill 35 is inequitable and harmful to First Nations and First Nations citizens.
- In a press release on March 18, 2021 regarding the Supreme Court of Canada's decision not to hear AMC's appeal, Grand Chief Dumas expressed disappointment that the Court did not want to have a hearing on the systemic and unique barriers that First Nations people on-reserve face when heating and powering their homes and the attempts to reconcile the often detrimental historical and ongoing use of First Nations territory for public utility infrastructure and development and to be subject to unfair electricity rates.
- The AMC Secretariat has registered the AMC to appear at Committee, and will develop submissions for the presentation.

