

Reply Attention of: Robert J. McDonell  
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**FARRIS**

File No: 32985-0007

November 8, 2023

BY EMAIL (Justine.Lafontaine@gov.bc.ca)

BC Farm Industry Review Board (BCFIRB)  
2975 Jutland Road, 1st Floor  
Victoria, BC V8T 5J9

**Attention: Justine Lafontaine**

Dear Mesdames/Sir:

**Re: Phase II of Allegations Supervisory Review**

Kindly accept this as BC Fresh's application to introduce evidence as contemplated by the schedule of the Panel issued October 20, 2023.

BC Fresh anticipates filing a final submission on December 1, 2023, supporting the recommendations of Mr Mitha, Hearing Counsel, delivered on October 27, 2023.

One of the reasons for supporting the recommendation of Mr Mitha as to the VMC reviewing Prokam's Delivery Allocation in a transparent process is that it will allow for growers and other industry stakeholders, who are not participants in this Supervisory Review, to participate to protect their interests.

However, to allow for the possibility that the Panel may determine that Prokam's Delivery Allocation is to be ascertained in this Supervisory Review or other than by the VMC as recommended by Mr Mitha, BC Fresh hereby applies for leave to introduce evidence relating to the issue of special circumstances, or the absence of special circumstances, as they may impact the calculation of Prokam's Delivery Allocation. The intended evidence is as follows:

1. The flooding of the Sumas Prairie, in the fall of 2021, did not prevent planting or harvesting of potatoes in the Sumas Prairie in 2022.
2. Prokam decided not to plant potatoes in 2022 and 2023 but instead planted and harvested other crops in 2022 and 2023.
3. Growers, other than Prokam, have increased their Delivery Allocation for all types of potatoes since 2017, the year that Prokam last shipped potatoes.

BC Fresh also requests that there be an opportunity to file evidence in response to evidence that other participants may file. As noted in this matter recently, participants in this Supervisory Review, other than

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the VMC and Prokam are not aware of how Prokam's Delivery Allocation for crop year 2024/2025 has been calculated.

Thank you for your consideration of the above

Yours truly,

FARRIS LLP

Per:

A handwritten signature in blue ink, appearing to read "Robert J. McDonell", is written over a light blue rectangular background.

Robert J. McDonell

CC: All Counsel

RJM/zz

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