

MANITOBA) Order No. 67/10
)
THE PUBLIC UTILITIES BOARD ACT) June 30, 2010

BEFORE: Graham Lane, C.A., Chairman
Leonard Evans, LL.D., Member
Monica Girouard, CGA, Member

AWARD OF COSTS: CONSUMERS' ASSOCIATION OF
CANADA (MANITOBA) INC./MANITOBA SOCIETY OF
SENIORS - INTERVENTION, (CENTRA GAS MANITOBA
INC.'S 2010/11 COST OF GAS APPLICATION AND
OTHER MATTERS)

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$66,061.08 in favour of the Consumers' Association of Canada (Manitoba) Inc. and the Manitoba Society of Seniors (CAC/MSOS).

CAC/MSOS intervened in the Board's deliberation of Centra Gas Manitoba Inc.'s (Centra) 2010/11 Cost of Gas Application.

Application

The Board has considered CAC/MSOS' application for an award of costs, filed with the Board on May 14, 2010.

Pursuant to Section 56 of *The Public Utilities Board Act*, the Board has jurisdiction to award costs of, and incidental to, any proceeding. The Board's Rules of Practice and Procedure (Rules) stipulate four criteria for determining whether costs should be awarded, those being whether an Intervener:

1. made a significant contribution relevant to the proceeding and contributed to a better understanding by all parties of the issues before the Board;
2. participated in the hearing in a responsible manner and cooperated with other Interveners with common objectives to avoid a duplication of intervention;
3. had insufficient financial resources to present the case adequately without an award of costs; and

4. had a substantial interest in the outcome of the proceeding, and represented the interests of a substantial number of MH's customers.

CAC/MSOS applied for an award of costs of \$66,061.08 comprised of:

Legal	Fees	\$32,895.00	
	Disbursements	\$ 3,610.81	
	GST	\$ 1,825.29	
	RST	<u>\$ 2,302.65</u>	
TOTAL			<u>\$40,633.75</u>
 Consulting			
	Fees: Mark Stauff	\$22,736.50	
	GST	<u>\$ 1,136.83</u>	
		<u>\$23,873.33</u>	
	Fees: John D. McCormick	\$ 1,480.00	
	GST	<u>\$ 74.00</u>	
		<u>\$ 1,554.00</u>	
TOTAL			<u>\$25,427.33</u>
GRAND TOTAL			<u>\$66,061.08</u>

In support of its application, CAC/MSOS noted that its monetary request was under its provisional budget by \$11,675.92.

CAC/MSOS opined that it had contributed in a constructive and meaningful way to the proceeding, particularly through its assisting the Board in identifying issues and differences between the parties. The intervener further asserted that there had been no duplication by it of the efforts of other interveners, and, with respect to the use of its consultant, it had made a concerted effort to ensure as little overlap as could reasonably be achieved of the work effort between counsel and consultant.

Centra's Comments

Centra made no comment with respect to the application.

Board Findings

The Board accepts that CAC/MSOS not only had a material interest in the outcome of the proceeding but also participated responsibly. CAC/MSOS is a non-profit organization that lacks the ability to participate effectively without a cost award.

The Board finds that the matters canvassed and commented upon by CAC/MSOS' intervention were germane to the matters at hand and were of benefit to the Board's understanding of the application.

As well, the Board acknowledges that CAC/ MSOS' request is for a lesser amount than initially budgeted, and will approve CAC/MSOS' request for costs as submitted.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with section 36 of the Board's Rules of

