

MANITOBA) Order No. 84/11
)
THE PUBLIC UTILITIES BOARD ACT) June 20, 2011

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.)

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$38,155.11 to Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors (CAC/MSOS).

CAC/MSOS intervened in the Board's deliberation of Centra Gas Manitoba Inc.'s (Centra) 2011/12 Cost of Gas Application.

Application

The Board has considered CAC/MSOS' application for an award of costs, filed with the Board on May 26, 2011.

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 the Board may award costs to be paid to an Intervener who has:

1. made a significant contribution that is 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 in the outcome of the proceedings in order to avoid a duplication of intervention;
3. insufficient financial resources to present the case adequately without an award of costs; and

4. a substantial interest in the outcome of the proceeding, and represents the interests of a substantial number of the ratepayers.

CAC/MSOS applied for an award of costs of \$38,155.11 comprised of:

Legal	Fees: D'Arcy & Deacon LLP	\$24,515.00	
	Disbursements	\$ 1,031.34	
	GST	\$ 1,277.33	
	RST	<u>\$ 1,716.06</u>	
TOTAL			<u>\$28,539.73</u>
Consulting			
	Fees: Mark Stauff	\$ 9,157.50	
	GST	<u>\$ 457.88</u>	
TOTAL			<u>\$ 9,615.38</u>
GRAND TOTAL			<u>\$38,155.11</u>

In support of its application, CAC/MSOS noted that its monetary request was \$31,357.24 less than its 2010/11 Cost of Gas Award. The 2010/11 Cost of Gas Application included an oral hearing while the 2011/12 Cost of Gas Application employed a written hearing process.

CAC/MSOS opined that it had contributed in a constructive and meaningful way to the proceeding by identifying issues of

concern and providing information and recommendations to the Board as to how it could address the issues.

CAC/MSOS were the only active interveners and as such there is no issue with respect to the potential for duplication among intervening parties. CAC/MSOS cooperated with Board Counsel and Board advisors to minimize duplicative efforts.

Centra's Comments

Centra has no objection to the claim for costs submitted by CAC/MSOS.

Board Findings

CAC/MSOS is a non-profit organization that lacks the ability to participate effectively without a cost award.

The Board accepts that CAC/MSOS not only had a material interest in the outcome of the proceeding but also participated responsibly.

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

The Board appreciated CAC/MSOS's effort to facilitate the written hearing process, which resulted in an efficient and effective review of the relevant issues and, thus, reduced regulatory costs.

