

MANITOBA) Order No. 13/12
)
THE PUBLIC UTILITIES BOARD ACT) January 30, 2012

BEFORE: Graham Lane CA, Chairman
Monica Girouard CGA, Member
Len Evans, LLD., Member

**AWARD OF COSTS: CONSUMERS' ASSOCIATION OF CANADA
(MANITOBA) INC. - BOARD ORDER 109/08 - RULES,
POLICIES AND PROCEDURES WITH RESPECT TO MARKETING
NON-SYSTEM PRIMARY GAS IN MANITOBA**

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$18,111.86 to the Consumers' Association of Canada (Manitoba) Inc. (CAC).

CAC has long been a registered intervener with the Board on gas related issues, representing the interests of residential customers in Manitoba. The Board sought CAC's input with respect to proposed revisions to the Rules, Policies and Procedures for the marketing of Non-System Primary Gas in Manitoba, as approved by the Board in Order 109/08.

Application

The Board has considered CAC's application for an award of costs, which was filed with the Board on December 15, 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 or which 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 applied for an award of costs of \$18,111.86 comprised of:

| | | | |
|--------------------|------------------------------|---------------|---------------------------|
| Legal | Fees: D'Arcy & Deacon LLP | \$ 4,902.50 | |
| | Disbursements: | | |
| | GST | <u>245.13</u> | |
| TOTAL | | | \$ 5,147.63 |
| Consulting | | | |
| | Fees: Stauft Consulting Ltd. | \$11,191.20 | |
| | Disbursements: | 409.60 | |
| | GST | 580.05 | |
| | PST | <u>783.38</u> | |
| TOTAL | | | <u>\$12,964.23</u> |
| GRAND TOTAL | | | <u><u>\$18,111.86</u></u> |

In support of CAC's application for costs CAC submitted they provided the following services:

- Review and analysis of previous documents and identification of issues;
- Engagement of Stauft Consulting, providing specialist service in reviewing the Code of Conduct and comparing the Code with the experiences of other jurisdictions; and
- Provision of information and recommendations to the Board for consideration, to address identified issues.

CAC submits that it made an important contribution to the Board's review of the Rules, Policies and Procedures in the marketing of Non-System Primary Gas in Manitoba, and that its costs were reasonably and necessarily incurred.

Manitoba Hydro's Comments

Manitoba Hydro had no objection to CAC being provided an award of costs.

Board Findings

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

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

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 Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website, www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. The application of the Consumers' Association of Canada (Manitoba) Inc. for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$18,111.86; and
2. Costs be payable by Manitoba Hydro within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE CA"
Chairman

"KURT SIMONSEN P.ENG."
Acting Secretary

Certified a true copy of
Order No. 13/12 issued by The
Public Utilities Board

Acting Secretary