

MANITOBA) Order No. 104/07
)
THE PUBLIC UTILITIES BOARD ACT) August 14, 2007

BEFORE: Graham Lane, C.A., Chairman
Monica Girouard, C.G.A., Member
Susan Proven, P.H.Ec., Member

APPLICATION BY
THE CONSUMERS' ASSOCIATION OF CANADA (MANITOBA) INC./
MANITOBA SOCIETY OF SENIORS
AWARD OF COSTS - INTERVENTION FOR
THE SETTING OF MAXIMUM CHARGES
FOR CASHING GOVERNMENT CHEQUES

Introduction

By this Order, the Public Utilities Board (Board) provides a cost award to the Consumers' Association of Canada (Manitoba) Inc./ Manitoba Society of Seniors (CAC/MSOS) with respect to the Board's public proceeding on the setting of maximum charges for cashing government cheques.

The proceeding involved hearings in Thompson, Brandon and Winnipeg, and concluded on April 17, 2007.

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, the criteria being that the applicant for a cost award must have:

1. made a significant contribution that was relevant to the proceeding and contributed to a better understanding by all parties of the issues before the Board;
2. participated in a responsible manner and cooperated with other Interveners with common objectives in order to avoid a duplication of intervention;
3. had insufficient financial resources to participate in the proceeding 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 consumers.

Application

CAC/MSOS applied to the Board on August 3, 2007 for an award of costs comprising:

Legal Costs:

Fees	\$11,900.00
Disbursements	1,540.12

Consulting Costs

Dr. Jerry Buckland:

Fees	<u>8,875.00</u>
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Total Claim	<u>\$22,315.12</u>
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CAC/MSOS noted it was not seeking recovery of \$8,450.00 of legal fees incurred related to the participation of one of the members of the Public Interest Law Centre, as the participation was for educational and experience purposes.

CAC/MSOS' representation

In support of its cost application, CAC/MSOS stated that its intervention had addressed matters of substantial interest to the Board, and that its application met the financial need and responsible and co-operative participation criteria set by the Board.

More specifically CAC/MSOS opined it had contributed to a better understanding of the issues before the Board by addressing, in particular, the following issues:

- a) insight into the limitation of the market for those using cheque cashing services;
- b) the circumstances of those using the services;

- c) the costs and risks faced by cheque cashing firms; and
- d) factors to consider in setting just and reasonable rates for cheque cashers.

Board Findings

The Board is satisfied that CAC/MSOS met the criteria for an award as set out in the Board's Rules.

CAC/MSOS had a substantial interest in the matters explored in its intervention, and provided responsible and co-operative participation at the hearing. CAC/MSOS made a substantial contribution to the proceedings and contributed to a better understanding of the matters before the Board.

The Board accepts CAC/MSOS' use of legal and consulting services for the hearing, including the extensive research and testimony of Dr. Jerry Buckland.

Accordingly, the Board accepts CAC/MSOS' submission for a cost award.

The Board's total award will be:

Legal Costs:

Fees	\$11,900.00
Disbursements	1,540.12
Consulting Costs	
Dr. Jerry Buckland:	
Fees	<u>8,875.00</u>
Total Claim	<u>\$22,315.12</u>

IT IS THEREFORE ORDERED THAT:

Consumers' Association of Canada (Manitoba) Inc./Manitoba
Society of Seniors be awarded costs in the amount of
\$22,315.12.

THE PUBLIC UTILITIES BOARD

"GRAHAM F. J. LANE, C.A."
Chairman

"G. A. GAUDREAU, C.M.A."
Secretary

Certified a true copy of Order
No. 104/07 issued by The Public
Utilities Board

Secretary