

MANITOBA) Order No. 171/09
)
THE PUBLIC UTILITIES BOARD ACT) December 21, 2009

BEFORE: Graham F. J. Lane, CA, Chairman
Eric Jorgensen, Member
Len Evans, LL.D., Member

**APPLICATION BY THE MANITOBA BAR ASSOCIATION FOR AN
AWARD OF COSTS
INTERVENTION
MANITOBA PUBLIC INSURANCE CORPORATION,
2009/10 INSURANCE RATES**

Introduction

By this Order, the Public Utilities Board (Board) approves an application for an award of costs of \$25,382.01 to the Manitoba Bar Association (MBA).

MBA intervened in the Board's hearing of Manitoba Public Insurance's (MPI) application for driver and motor vehicle insurance rates, to be effective March 1, 2010. The hearing took place in October 2009 at the Board's offices in Winnipeg.

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) outline the main criteria the Board relies on in determining whether costs should be awarded, and the Notice of Public Hearing for the proceeding advised of the Board's Rules.

Application

MBA applied for an award of costs of \$25,382.01, submitting that its intervention met the Board's criteria for the awarding of costs.

Having been copied with the application for costs, MPI expressed no view as to whether it should be accepted.

Board Findings

The Board appreciated MBA's contributions, as well as the co-operation MBA displayed during the proceeding. MBA did not duplicate the efforts of the other interveners and was concise in making its observations. MBA met the criteria for an award of costs, including that it did not act as for the monetary interests of its members with respect to the matters it presented at the hearing. MBA's efforts sought to contribute to the Board gaining a better understanding of the issues before it, including, in particular, the importance of the Board continuing to monitor MPI's responses to past

Board directions and recommendations.

The Board notes MBA's application for costs was reasonably consistent with the \$25,126.50 it projected in its application for intervener status, with positive variance due to savings in preparation, appearance and closing submission time, offset by unbudgeted costs incurred as a result of non-disclosure issues, as raised in a motion to the Board.

The Board has concluded that MBA acted in the interests of motorists in an effort to better inform the Board. Accordingly, the Board will award costs to MBA, as were sought.

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 at www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. Manitoba Bar Association be and hereby is awarded costs of \$25,382.01; and
2. Costs shall be payable by the Manitoba Public Insurance within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

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

"G. GAUDREAU, CMA"
Secretary

Certified a true copy of Order No. 171/09
issued by The Public Utilities Board

Secretary