

Order No. 71/16

**AWARD OF COSTS: CONSUMERS' ASSOCIATION OF CANADA (MANITOBA)
INC., WINNIPEG HARVEST, COMMUNITY FINANCIAL COUNSELLING SERVICE
(THE CONSUMERS COALITION)
INTERVENTION IN THE 2016 MANITOBA PAYDAY LENDING REVIEW**

June 1, 2016

BEFORE: Régis Gosselin, B ès Arts, MBA, CPA, CGA, Chair
Karen Botting, B.A., B.Ed., M.Ed., Acting Chair
The Hon. Anita Neville, P.C., B.A.(Hons.), Member
Susan Proven, P.H.Ec., Member
Allan Morin, B.A., ICD.D., Member

1.0 Introduction

By this Order, the Public Utilities Board (Board) approves the Consumers Coalition (“Coalition”) application for a cost award of \$60,689.99.

The award relates to the Coalition’s intervention in the 2016 Manitoba Payday Lending Review and pertains to expenses incurred through April 18, 2016.

2.0 Application

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) reflect that 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.

Pursuant to the Board's Rules, the Coalition was awarded interim award of costs in the amount of \$48,470.88 on March 21, 2016 in Board Order 39/16. The final bill of costs has been submitted for the Panel’s approval.

Procedural order No. 28/16 approved the Coalition's intervention estimated budget of \$106,880.87 before tax, inclusive of fees and disbursements. The coalition's expenses of \$48,470.88 incurred through March 18, 2016 were awarded in Board Order 39/16.

The Coalition is seeking to recover \$60,689.99 in costs. The amount of \$58,409.99 reflects the difference between the approved budget approved in Board Order 28/16 and the interim cost award approved in Board Order 39/16. An additional amount of \$2,280.00 reflects costs incurred resulting from the POLICIS presentation.

3.0 Board Findings

The Board is satisfied with the Coalition's contribution to the proceeding, to date, and finds that the Coalition qualifies for an award of costs.

The Coalition meets the criteria for a cost award, having provided a contribution to the Board's understanding, having acted cooperatively with the other parties to the proceeding, having provided a concise argument at the conclusion of the hearing, and requiring a cost award to be able to intervene.

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.

4.0 IT IS THEREFORE ORDERED THAT:

1. The Coalition BE AND IS HEREBY awarded costs in the amount of \$60,689.99.

THE PUBLIC UTILITIES BOARD

"Karen Botting, B.A., B.Ed., M.Ed."
Acting Chair

"Darren Christle MPA, BA, CCLP, P.Log, MCIT"
Secretary

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71/16 issued by The Public Utilities
Board

Secretary