

Order No. 108/17

**AWARD OF COSTS TO MANITOBA KEEWATINOWI OKIMAKANAK (MKO)
FOR THEIR INTERVENTION IN THE
MANITOBA HYDRO COST OF SERVICE METHODOLOGY REVIEW
2015/2016**

October 10, 2017

**BEFORE: Marilyn Kapitany, B.Sc., (Hon), M.Sc., Member
Hugh Grant, Ph.D., Member
Larry Ring, Q.C., Member**

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1.0 Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$144,705.00 to Manitoba Keewatinowi Okimakanak (MKO) for their intervention in the Board's review of Manitoba Hydro's Cost of Service Methodology.

2.0 Application

MKO filed with the Board an Application for an Award of Costs on September 12, 2017.

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.

The Board approved Intervener status to the MKO in Procedural Order 26/16 dated February 26, 2016. In the same Order, the Board requested all approved interveners to

file a budget proposal with the Board by March 1, 2016. On April 8, 2016, the Board acknowledged a proposal requesting a budget of approximately \$144,705.00. On September 20, 2016 the Board approved an overall budget increase for interveners of no more than 15% above original budget allocations to accommodate changes in the scope of work in the Cost of Service review process.

In Board Order 26/16 (Cost of Service Procedural Order) the Board approved interim invoicing from interveners for the duration of the Cost of Service Hearing.

The MKO's request for reimbursement of costs was supported by statements of accounts as summarized below:

	TOTALS
Legal	
Orle	\$82,080.00
Sub Total	\$82,080.00
Disbursements	
Orle	\$3000.00
Sub Total	\$3000.00
TOTAL COSTS	\$85,080.00

3.0 Manitoba Hydro's Comments

On September 28, 2017 Manitoba Hydro provided its comments on the MKO Application. Manitoba Hydro objected to the application for costs due to a differing opinion respecting attendance on specific hearing dates.

4.0 Board Findings

The Board has reviewed the cost application by MKO, as well as the comments provided by Manitoba Hydro. The Board finds that there was confusion over whether or not MKO was in attendance on specific dates in question. Mr. Orle, on behalf of MKO, responded to the objection and confirmed his attendance to the satisfaction of the panel.

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*. The Board's Rules may be viewed on Board's website at www.pubmanitoba.ca.

5.0 IT IS THEREFORE ORDERED THAT:

1. The Application of MKO for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$144,705.00.
2. The outstanding costs in the amount of \$85,080.00 be payable by Manitoba Hydro to Wood Orle LLB as representatives of MKO within 15 days of the date of this Order.

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. The Board's Rules may be viewed on the Board's website at www.pubmanitoba.ca.

THE PUBLIC UTILITIES BOARD

"Robert Gabor, Q.C."

Chair

"Darren Christle"

Secretary

Certified a true copy of Order No. 108/17
issued by The Public Utilities Board



Secretary