

Order No. 53/17

**AWARD OF COSTS TO THE GREEN ACTION CENTRE
FOR THEIR INTERVENTION IN THE
MANITOBA HYDRO COST OF SERVICE METHODOLOGY REVIEW
2015/2016**

May 23, 2017

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

1.0 Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$245,262.48 to the Green Action Centre (GAC) of Manitoba.

GAC intervened in the Board's review of Manitoba Hydro's Cost of Service Methodology.

2.0 Application

GAC filed an Application for an Award of Costs on February 21, 2017. On April 10, 2017 GAC filed a revised Cost Application to correct an error in its February 21 Application.

Pursuant to Section 56 of *The Public Utilities Board Act*, the Board has jurisdiction to award costs of, and incidental to, any proceeding before the Board. 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 Green Action Centre in the Board's Procedural Order (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 March 1, 2016 GAC filed a budget proposal with the Board requesting a budget of \$231,850. On April 4, 2016 the Board acknowledged a budget for GAC of \$231,850.

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. This would provide GAC with a maximum budget of \$265,700.

GAC's request for reimbursement of costs was supported by statements of accounts as outlined below:

Legal Costs

Gange, Collins, Halloway	\$46,140.00
GST	\$2,307.01
RST	\$3,691.20
Disbursements	\$287.39
GST	\$13.33
Total Legal Costs	\$52,438.93

Consulting Cost

Resource Insights	\$183,840.00
Disbursements	\$8,983.55
Total Consulting	\$192,823.55
TOTAL COSTS	\$245,262.48

Total Amount Paid \$184,584.06

Balance Remaining (holdback) \$60,678.42

In its Cost Application, GAC submitted that they participated in the hearing at every phase and the answers to information requests from GAC were used by all parties participating in the review of Manitoba Hydro's Cost of Service Study. It is GAC's position that the information gathered by GAC, along with the evidence of its expert (Mr. Paul Chernick of Resource Insight Inc.) assisted the Board in identifying issues and in the Board's deliberations.

GAC also highlighted that it represents the interests of a substantial number of rate-payers of Manitoba and GAC is a non-profit organization that could not possibly participate in this review if it had to rely on its own resources. GAC therefore seeks an award of costs of \$245,262.48.

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. All interim invoices were subject to a 25% holdback. Based on a statement of accounts, the total holdback amount owing to GAC is \$60,678.42.

3.0 Manitoba Hydro's Comments

On March 10, 2017 Manitoba Hydro provided its comments on GAC's Cost Application. Manitoba Hydro did not object to GAC's Cost Application but did seek clarification on GAC's original February 21, 2017 Application. According to Manitoba Hydro, GAC's total claim for costs should be \$245,262.48; GAC had originally claimed \$239,343.57. On April 10, 2017 GAC subsequently filed a corrected Cost Application requesting the approval of \$245,262.48.

4.0 Board Findings

The Board has reviewed the cost application by GAC, as well as the comments provided by Manitoba Hydro. The Board finds that GAC meets all of the requirements for a cost award. The Board further finds that the costs incurred by GAC are reasonable and the Board is prepared to accept them as filed GAC's Application for Costs.

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 the Green Action Centre for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$245,262.48.
2. Manitoba Hydro is to pay to Green Action Centre the holdback amount of \$60,678.42
3. Costs be payable by Manitoba Hydro to Green Action Centre within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"Marilyn Kapitany, B.Sc. (Hon), M.Sc."
Panel Chair

"Kurt Simonsen"
Acting Secretary

Certified a true copy of Order No. 53/17
issued by The Public Utilities Board

Acting Secretary