

**Order No. 128/18**

**AWARD OF COSTS TO THE  
CONSUMERS COALITION (CONSUMERS' ASSOCIATION OF CANADA  
(MANITOBA) / WINNIPEG HARVEST)  
FOR THEIR INTERVENTION IN THE  
ORDER 59/18 AND ORDER 68/18 REVIEW AND VARY PROCESS**

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**September 19, 2018**

BEFORE: Robert Gabor, Q.C., Chair  
Marilyn Kapitany, B.Sc., (Hon), M.Sc., Vice Chair  
Hugh Grant, Ph.D., Member  
Shawn McCutcheon, Member  
Sharon McKay, BGS, Member  
Larry Ring, Q.C., Member

**Table of Contents**

**1.0 Introduction ..... 3**

**2.0 Application..... 3**

**3.0 Manitoba Hydro’s Comments..... 5**

**4.0 Response Comments..... 5**

**5.0 Board Findings ..... 6**

**6.0 IT IS THEREFORE ORDERED THAT: ..... 7**

## 1.0 Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$7,120.50 to the Consumers Association (Consumers' Association of Canada (Manitoba) / Winnipeg Harvest) for their intervention in the process related to Manitoba Hydro's request to review and vary Order 59/18 and Order 68/18, which were both related to Manitoba Hydro's 2017/18 and 2018/19 General Rate Application.

## 2.0 Application

On July 30, 2018, the Consumers Association (Consumers' Association of Canada (Manitoba) / Winnipeg Harvest) filed with the Board an Application for an Award of Costs for their intervention in the Order 59/18 and Order 68/18 review and vary process.

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 Consumers Coalition in Order 70/17, the Procedural Order for Manitoba Hydro's 2017/18 and 2018/19 General Rate Application.

In Order 81/18, the Board approved an award of costs to the Consumers Coalition for their intervention in Manitoba Hydro's 2017/18 and 2018/19 General Rate Application.

By letter dated June 1, 2018, the Board established a process for the hearing of Manitoba Hydro's May 30, 2018 Application to review and vary Order 59/18 and Order 68/18. While the Board's process did not require Interveners to submit budget proposals, submissions in response to Manitoba Hydro's Application were requested.

On July 30, 2018, the Consumers Coalition filed its Cost Application for its participation in the Order 59/18 and Order 68/18 review and vary process. The Cost Application was supported by statements of accounts as summarized below:

	<b>Budget Total</b>	<b>Cost Application Total</b>
<b>Legal Costs</b>		
Counsel (Fees)	N/A	\$6,783.00
<b><i>Sub Total Legal</i></b>	<b><i>N/A</i></b>	<b><i>\$6,783.00</i></b>
<b>Consultants</b>		
Harper	N/A	\$337.50
<b><i>Sub Total Legal</i></b>	<b><i>N/A</i></b>	<b><i>\$337.50</i></b>
<b>Disbursements</b>	N/A	NIL
<b>GST</b>	N/A	NIL
<b>PST</b>	N/A	NIL
<b>TOTAL COSTS *</b>	<b>N/A</b>	<b>\$7,120.50</b>

### **3.0 Manitoba Hydro's Comments**

On August 15, 2018, Manitoba Hydro provided its comments regarding the Consumers Coalition's Cost Application. While no comments were provide regarding the legal fees portion of the Consumers Coalition's Cost Application, Manitoba Hydro indicated that the Consumers Coalition had not explained what services were required from Mr. Harper with respect to the Order 59/18 and Order 68/18 review and vary process.

### **4.0 Response Comments**

On August 15, 2018, the Consumers Coalition filed a response to Manitoba Hydro's comments of August 15, 2018. In its submission, the Consumers Coalition noted that Mr. Harper was retained to provide a briefing and advice on the excess energy purchase rate including practice in other jurisdictions, as well as the policy implications of different approaches on integrated resource planning. The Consumers Coalition further stated that Mr. Harper's comments were subsequently incorporated into the Consumers Coalition's submission to the Board regarding Manitoba Hydro's request to review and vary Orders 59/18 and 68/18.

## 5.0 Board Findings

The Board has reviewed the Cost Application by the Consumers Coalition, the comments provided by Manitoba Hydro, as well as the response from the Consumers Coalition. The Board finds that the Consumers Coalition meets all of the requirements for a cost award. The Board further finds that the costs incurred by the Consumers Coalition are reasonable and the Board is prepared to accept them as filed in the Application for Costs.

As the Board did not approve an advance of funds for the Order 59/18 and Order 68/18 review and vary process, the total balance owing is \$7,120.50.

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](http://www.pubmanitoba.ca).

**6.0 IT IS THEREFORE ORDERED THAT:**

1. The Application of the Consumers Coalition for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$7,120.50.
2. Manitoba Hydro is to pay Consumers Association of Canada (MB Branch), for work undertaken on behalf of the Consumers Coalition, the final invoice amount of \$7,120.50.
3. Costs be payable by Manitoba Hydro to Consumers Association of Canada (MB Branch) within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"Robert Gabor, Q.C."  
Chair

"Kurt Simonsen"  
Acting Secretary

Certified a true copy of Order No. 128/18  
issued by The Public Utilities Board

  
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Acting Secretary