

Order No. 147/18

**AWARD OF COSTS TO
MANITOBA KEEWATINOWI OKIMAKANAK
FOR THEIR INTERVENTION IN THE
ORDER 59/18 AND ORDER 68/18 REVIEW AND VARY PROCESS**

Revised – Removing Sharon McKay as Panel Member

October 25, 2018

BEFORE: Robert Gabor, Q.C., Chair
Marilyn Kapitany, B.Sc., (Hon), M.Sc., Vice Chair
Hugh Grant, Ph.D., Member
Shawn McCutcheon, 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 \$5,272.50 to Manitoba Keewantinowi Okimakanak 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 October 1, 2018, Manitoba Keewatinowi Okimakanak (MKO) 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 MKO in Order 70/17, the Procedural Order for Manitoba Hydro's 2017/18 and 2018/19 General Rate Application. In Order 101/18, the Board approved an award of costs to MKO 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 October 1, 2018, MKO 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:

	Budget Total	Cost Application Total
Legal Costs		
Counsel (Fees)	N/A	\$5,272.50
<i>Sub Total Legal</i>	<i>N/A</i>	<i>\$5,272.50</i>
Consultants	N/A	NIL
Disbursements	N/A	NIL
GST	N/A	NIL
PST	N/A	NIL
TOTAL COSTS *	N/A	\$5,272.50

3.0 Manitoba Hydro's Comments

On October 22, 2018, Manitoba Hydro provided its submission regarding MKO's Cost Application. In its submission, Manitoba Hydro stated that it had no comments with MKO's Application for Costs related to the Review and Vary process associated with Orders 59/18 and Order 68/18.

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 MKO meets all of the requirements for a cost award. The Board further finds that the costs incurred by MKO 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 \$5,272.50.

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.

5.0 IT IS THEREFORE ORDERED THAT:

1. The Application of Manitoba Keewatinowi Okimakanak for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$5,272.50.
2. Manitoba Hydro is to pay George J. Orle Q.C. Legal Corporation, for work undertaken on behalf of Manitoba Keewatinowi Okimakanak, the final invoice amount of \$5,272.50.
3. Costs be payable by Manitoba Hydro to George J. Orle Q.C. Law Corporation within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

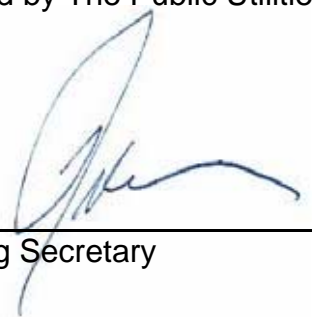
"Robert Gabor, Q.C."

Chair

"Kurt Simonsen"

Acting Secretary

Certified a true copy of Order No. 147/18
issued by The Public Utilities Board



Acting Secretary