

**Order No. 3/18**

**AWARD OF COSTS TO THE CONSUMERS ASSOCIATION OF  
CANADA-MANITOBA BRANCH (CAC MANITOBA)  
FOR THEIR INTERVENTION IN THE  
MANITOBA PUBLIC INSURANCE CORPORATION'S GENERAL RATE  
APPLICATION FOR THE 2018/19 INSURANCE YEAR**

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**January 4, 2018**

**BEFORE: Robert Gabor, Q.C., Chair  
Carol Hainsworth, C.B.A., Member  
Robert Vandewater, B.A., FCSI.,C.P.A.(Hons.), KStJ., CD, Member  
Michael Watson, Member**

## 1.0 Introduction

By this Order, the Public Utilities Board (Board) approves the the Manitoba Branch of the Consumers Association of Canada (CAC) Application for a cost award of \$181,852.50.

The award relates to CAC's intervention in the General Rate Application of Manitoba Public Insurance (MPI) with respect to Compulsory Driver and Vehicle Insurance Premiums for the 2018/19 rate year.

## 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 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.

Pursuant to the Board's Rules, CAC applied for an award of costs in the amount of \$181,852.50 as outlined below:

Fees	
Williams (legal)	\$56,430.00
Dilay (legal)	\$3,300.00
W. Pitt – Alleyne Inc.	\$18,720.00
P. Dyck	\$50,000.00
V. Viola	\$15,840.00
A. Sherry	\$21,562.50
W. Simpson	\$14,000.00
Disbursements	\$2,000.00
Total	<u>\$181,852.50</u>

MPI by way of letter dated January 2, 2018 stated that it has no representation to make on the request for costs filed on behalf of CAC.

Procedural order No. 73/17 approved CAC's intervention budget range of \$163,825.75 - \$198,880.75, inclusive of tax, fees and disbursements. The CAC cost intervention claim is \$17,028.25 under budget.

### 3.0 Board Findings

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

CAC meets the criteria for a cost award, having provided a contribution to the Board's understanding, as it:

- (i) required a cost award to be able to intervene;
- (ii) acted cooperatively with the other parties throughout the hearing process; and
- (iii) provided a concise argument at the conclusion of the hearing.

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

#### 4.0 IT IS THEREFORE ORDERED THAT:

1. The Manitoba Branch of the Consumers Association of Canada (CAC) **BE AND IS HEREBY** awarded costs of \$181,852.50.
2. Costs shall be payable by the Manitoba Public Insurance Corporation within 30 days of the date of this Order.
3. In the future, the CAC will notify the Public Utilities Board in writing if its intervener cost estimate is anticipated to exceed approved estimate by more than 10% and provide an explanation and request for approval for the additional amount.

THE PUBLIC UTILITIES BOARD

"Robert Gabor, Q.C."  
Chair

"Darren Christle"  
Board Secretary

Certified a true copy of Order No. 3/18  
issued by The Public Utilities Board



Board Secretary