

Order No. 10/19

**AWARD OF COSTS:
CONSUMERS ASSOCIATION OF CANADA- MANITOBA BRANCH
INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION'S
GENERAL RATE APPLICATION FOR THE 2019/20 INSURANCE YEAR**

January 18, 2019

BEFORE: Robert Gabor, Q.C. Chair
Carol Hainsworth, C.B.A., Member
Robert Vandewater, B.A., FCSI, C.P.A.(Hons.), KStJ., CD, Member
Irene Hamilton, LLB, Member

1.0 Introduction

By this Order, the Public Utilities Board (Board) approves the Consumers Association of Canada-Manitoba Branch (CAC) Application for a cost award of \$206,402.75.

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 2019/20 rate year.

Application

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) reflect that the Board may award costs to be paid to an Intervener which 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 process 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 \$206,402.75 as outlined below:

Fees	
Williams (legal)	\$70,537.50
Dilay (legal)	\$ 1,200.00
Walichnowski (legal)	\$ 5,421.60
W. Pitt - Alleyne Inc.	\$16,800.00
P. Dyck	\$46,622.40
V. Viola	\$35,040.00
A. Sherry	\$17,625.00
W. Simpson	\$11,156.25
Disbursements	2000.00
Total	<u>\$206,402.75</u>

MPI by way of letter dated January 11, 2019 stated that it partially supported the costs claim filed on behalf of CAC. The Corporation believes that the contributions were limited and thus a reduction of \$5000.00 from the costs associated with Ms. Sherry and Dr. Simpson was warranted.

On January 15, 2019, the Public Interest Law Centre, on behalf of their client, submitted a rebuttal which argued that the testimony was complementary and provided the Panel with historical perspectives, thus should not be reduced.

The CAC cost intervention claim is \$206,402.75, which is \$15,664.00 less than its proposed budget at the pre-hearing conference.

BOARD FINDINGS

The Board is satisfied with CAC's participation in the hearing and finds value in its intervention to the proceeding, as it made significant contributions to the Board in its understanding of the materials.

CAC meets the criteria for a cost award, 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.

IT IS THEREFORE ORDERED THAT:

1. The Consumers Association of Canada-Manitoba Branch (CAC) **BE AND IS HEREBY** awarded costs of \$206,402.75.
2. Costs shall be payable by the Manitoba Public Insurance Corporation within 30 days of the date of this Order.
3. In all future hearings, 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.

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 (Rules). The Board's Rules may be viewed on the Board's website at www.pub.gov.mb.ca.

THE PUBLIC UTILITIES BOARD

"Robert Gabor, QC."

Chair

"Darren Christle MPA, BA, CCLP, P.Log, MCIT (Ph. D. Candidate)"

Secretary

Certified a true copy of Order No. 10/19
issued by The Public Utilities Board



Secretary