

**Order No. 108/20**

**ADVANCE OF FUNDS APPLICATION: COALITION OF MANITOBA MOTORCYCLE  
GROUPS – INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION'S  
GENERAL RATE APPLICATION FOR THE 2021/22 INSURANCE YEAR**

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**August 24, 2020**

**BEFORE:** Irene A. Hamilton, Q.C., Panel Chair  
Robert Gabor, Q.C., PUB Chair,  
Carol Hainsworth, Member

**Table of Contents**

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

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

**3.0 Manitoba Public Insurance Comments..... 4**

**4.0 Board Findings ..... 4**

**5.0 IT IS THEREFORE ORDERED THAT: ..... 6**

## 1.0 Introduction

By this Order, the Public Utilities Board (Board) denies the Coalition of Manitoba Motorcycle Group's (CMMG) advance of funds application (application) in the amount of \$22,896.44.

The application relates to CMMG's intervention in the General Rate Application of Manitoba Public Insurance (MPI) with respect to Compulsory Driver and Vehicle Insurance Premiums for the 2021/22 rate year.

## 2.0 Application

The Coalition of Manitoba Motorcycle Group, filed with the Board a projected budget for its intervention at the Manitoba Public Insurance 2021/22 General Rate 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. For the purpose of its hearings, the Board adopted an "Intervener Costs Policy". The purpose of this Policy is to set out the Board's procedures for considering requests for Intervener costs and to provide guidance to Interveners on how to apply for funding of costs for participation in Board Proceedings. Additionally, the Interveners Cost Policy indicates that the Board may approve an advance of funds.

In June 2020, CMMG filed an Application for Intervener status with the Board. The Board awarded CMMG Intervener status on July 06, 2020 in Board Order 88/20. Included in the Board's Order was an issues list deemed by the Board as applicable to CMMG for this proceeding.

On June 25, 2020, CMMG filed its projected budget with the Board. Board staff acknowledged receipt of the budget.

On July 23, 2020, CMMG's application in the amount of \$22,896.44 and supporting justification materials was received by the Board. The application highlighted anticipated costs related to an expert witness retainer and anticipated legal costs.

### **3.0 Manitoba Public Insurance's Comments**

On August 12, 2020, Manitoba Public Insurance provided its comments regarding CMMG's application. MPI noted that the costs related to CMMG's legal fees were acceptable but requested the Board consider the prudence of advancing funds related to CMMG's consultant's forecasted costs.

### **4.0 Board Findings**

The Board finds that CMMG meets all of the requirements as an intervener, however, an advance of funds is not warranted.

The CMMG is seeking payment of a retainer for anticipated consultant costs before the consultant has performed work. This is inconsistent with Section 4.2(d).

Section 4.2 of the Intervener Cost Policy states:

*An Intervener seeking an Advance of Funds must:*

- (a) be an approved Intervener in the proceeding;*
- (b) have submitted and received comment from Board staff on the Intervener Cost Estimate;*
- (c) complete the applicable portions of the Intervener Costs Award Form, available as a fillable Excel spreadsheet on the Board's website; and*
- (d) provide invoices detailing the actual expenditures incurred by the Intervener to the date of the application for an Advance of Funds.*

Section 3.1 of the Intervener Cost Policy states:

In any proceeding the Board may award costs to be paid to any Intervener who has:

- (a) 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;
- (b) participated in the hearing in a responsible manner and cooperated with other Interveners who have common objectives in the outcome of the proceedings in order to avoid a duplication of intervention;
- (c) represented interests beyond their sole business interest; and
- (d) a substantial interest in the outcome of the proceeding and represents the interests of a substantial number of ratepayers.

The panel is unable to assess the CMMG intervention prior to the intervention occurring. The advance for funds section in the Intervener Costs Policy request is intended to address situations where a hearing has concluded and the Board's order might not be issued for some time thereafter. The Board would be in a position to assess the intervention at that point and determine whether it complied with 3.1, and if so whether funds should be advanced prior to the issuance of its order. That is not the situation here, and therefore the application is denied.

## 5.0 IT IS THEREFORE ORDERED THAT:

1. The Application of Coalition of Manitoba Motorcycle Groups for an advance of funds BE AND IS HEREBY DENIED

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).

THE PUBLIC UTILITIES BOARD

"Irene Hamilton, Q.C."

Panel Chair

"Dr. Darren Christle, PhD, CCLP, P.Log., MCIT"

Secretary

Certified a true copy of Order 108/20  
issued by the Public Utilities Board



Secretary