

Order No. 3/20

**AWARD OF COSTS: COALITION OF MANITOBA MOTORCYCLE GROUPS –
INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION’S GENERAL
RATE APPLICATION FOR THE 2020/21 INSURANCE YEAR**

January 2, 2020

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

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1.0 Introduction

By this Order, the Public Utilities Board (Board) approves Coalition of Manitoba Motorcycle Group's (CMMG) Application for a cost award of \$40,303.60.

The award 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 2020/21 rate year.

2.0 Application

On November 29, 2019, Coalition of Manitoba Motorcycle Group, filed with the Board an Application for an Award of Costs for its intervention at the Manitoba Public Insurance 2020/21 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 this hearing, the Board adopted an "Intervener Costs Policy". The purpose of this Policy was 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.

Sections 3.1 and 3.2 of the Intervener Costs Policy describes Intervener eligibility for a cost award and the Board's principles in determining the amount of the cost award:

3.1 *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.*

3.2 In determining whether the Intervener should receive the amount of costs sought in a costs application, the Board may consider whether the Intervener did one or more of the following:

- (a) *made reasonable efforts to ensure that the intervener's evidence was not unduly repetitive of evidence presented by another intervener;*
- (b) *made reasonable efforts to cooperate with other interveners to reduce the duplication of evidence and questions or to combine the intervener's submission with that of similarly interested interveners; and*
- (c) *needed legal or technical assistance to take part in the proceeding;*

In June 2019, CMMG filed an Application for Intervener status with the Board. The Board awarded CMMG Intervener status on July 05, 2019 in Board Order 92/19. Included in the Board's Order was an issues list deemed by the Board as applicable to CMMG for this proceeding.

On June 24, 2019, CMMG filed its projected budget with the Board. Board staff acknowledged receipt of the budget.

On November 29, 2019, CMMG filed its Cost Application for its participation in Manitoba Public Insurance's 2020/21 General Rate Application. The Cost Application was supported by statements of accounts as summarized below:

	Budget Total*	Cost Application Total
Legal Costs (R. Oakes)	\$48,450.00	\$14,706.00
(J. Jardine)		\$4,275.00
(J. Woods)		\$10,360.00
(C. Meeks)		\$6,390.00
Disbursements	\$500.00	\$271.31
GST	\$2,447.50	\$1,800.12
PST	\$3,426.50	\$2,501.17
TOTAL COSTS	\$54,824.00	\$40,303.60

CMMG's Cost Application was supported by detailed invoices and a written submission describing CMMG's participation in the Board's review of Manitoba Public Insurance's 2020/21 GRA.

3.0 Manitoba Public Insurance's Comments

On December 12, 2019, Manitoba Public Insurance provided its comments regarding CMMG's Cost Application. MPI noted that the costs related to CMMG's consultant were acceptable.

4.0 Board Findings

The Board has reviewed the Cost Application by CMMG, as well as the comments provided by MPI. The Board finds that CMMG meets all of the requirements for a cost award. The Board further finds that the costs incurred by CMMG are reasonable and the Board is prepared to award an amount of \$40,303.60 for CMMG's intervention in the Board's review of Manitoba Public Insurance's 2020/21 GRA.

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 Coalition of Manitoba Motorcycle Groups for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$40,303.60
2. Manitoba Public Insurance Corporation to pay Oakes Jardine Kaneski Unruh LLP within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"Irene Hamilton, Q.C."

Panel Chair

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

Secretary

Certified a true copy of Order 3/20
issued by the Public Utilities Board



Secretary