

Order No. 34/20

**AWARD OF COSTS TO THE
ASSEMBLY OF MANITOBA CHIEFS
FOR THEIR INTERVENTION IN THE
EFFICIENCY MANITOBA 2020 THREE-YEAR EFFICIENCY PLAN REVIEW**

February 28, 2020

BEFORE: Robert Gabor, Q.C., Chair
Marilyn Kapitany, B.Sc., (Hon), M.Sc., Vice Chair
Hugh Grant, Ph.D., Panel Member
Irene A. Hamilton, Q.C., Panel Member

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5.0 IT IS THEREFORE ORDERED THAT: 6

1.0 Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$81,969.81 to Assembly of Manitoba Chiefs for their intervention in Efficiency Manitoba's three-year Efficiency Plan Submission.

2.0 Application

In February 2020, the Assembly of Manitoba Chiefs (AMC) filed with the Board an Application for an Award of Costs for their intervention at the Efficiency Manitoba's three-year Efficiency Plan Submission.

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;*

The Board awarded AMC Intervener status on November 05, 2019 in Board Order 162/19. Included in the Board's Order was an issues list deemed by the Board as applicable to AMC for this proceeding.

On November 25, 2019, AMC filed its projected budget of \$85,350.00 with the Board. Board staff acknowledged receipt of the budget.

On February 14, 2020, AMC filed its Cost Application for its participation in Efficiency Manitoba's three-year Efficiency Plan Submission. The Cost Application was supported by statement of account as summarized below:

	Amended Budget Total*	Cost Application Total
Legal Costs		
(C. Fox)	\$30,100.00	\$24,757.00
(E. Guglielmin)	\$16,500.00	\$25,750.00
Consultant Costs		
(Willow Springs Strategic Solutions)	23,000.00	22,000.00
Disbursements	\$14,750.00	\$8,3288.81
GST	\$1,000.00	\$1,104.00
PST	\$0	\$0
TOTAL COSTS	\$85,350.00	\$81,969.81

AMC's Cost Application was supported by detailed invoices and a written submission describing AMC's participation in the Board's review of Efficiency Manitoba's 2020/21 Efficiency Plan Submission.

3.0 Efficiency Manitoba's Comments

On February 25, 2020, Efficiency Manitoba provided its comments regarding AMC's legal costs. Efficiency Manitoba noted that they "take no position on the cost claim" related to AMC's intervention.

4.0 Board Findings

The Board has reviewed the Cost Application by AMC, as well as the comments provided by Efficiency Manitoba. The Board finds that AMC meets the requirements for a cost award. The Board further finds that the costs incurred by AMC are reasonable and the Board is prepared to award an amount of \$81,969.81 for AMC's intervention in the Board's review of Efficiency Manitoba's three-year Efficiency Plan Submission.

5.0 IT IS THEREFORE ORDERED THAT:

1. The Application of Assembly of Manitoba Chiefs for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$81,969.81.
2. Efficiency Manitoba to pay Fox Fraser LLP within 15 days of the date of this Order.

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

THE PUBLIC UTILITIES BOARD

"Robert Gabor, Q.C."

Chair

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

Secretary

Certified a true copy of Order 34/20
issued by the Public Utilities Board



Secretary