

Order No. 15/21

**AWARD OF COSTS: CONSUMERS ASSOCIATION OF CANADA (MANITOBA) INC.–
INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION'S GENERAL
RATE APPLICATION FOR THE 2021/22 INSURANCE YEAR**

January 25, 2021

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

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1.0 Introduction

By this Order, the Public Utilities Board (Board) approves The Consumers Association of Canada's (CAC) Application for a cost award of \$151,552.95.

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 2021/22 rate year.

2.0 Application

On December 13, 2020, The Consumers Association of Canada, filed with the Board an Application for an Award of Costs 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 this hearing, the Board adopted an interim 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;*

On June 25, 2020, CAC filed an Application for Intervener status with the Board. The Board awarded CAC 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 CAC for this proceeding.

On June 25, 2020, CAC filed its projected budget of \$162,530.00 with the Board. Board staff acknowledged receipt of the budget.

On December 13, 2020, CAC 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 (B. Williams)	\$66,700.00	\$58,083.00
Consultant Costs (P. Dyck)	\$45,600.00	\$50,377.80
(A. Sherry)	\$15,300.00	\$12,112.50
(J. Crozier)	\$33,930.00	\$21,596.25
(Valter Viola)	\$0	\$4,335.00
Disbursements	\$5000.00	\$5,048.40
TOTAL COSTS	\$162,530.00	\$151,552.95

CAC's Cost Application was supported by detailed invoices and a written submission describing CAC's participation in the Board's review of Manitoba Public Insurance's 2021/22 GRA. CAC reduced the claim by \$10,977.05 from budgeted costs.

3.0 Manitoba Public Insurance's Comments

On January 14, 2020, Manitoba Public Insurance did provide its comments regarding CAC's legal costs. MPI noted that the costs related to CAC's consultant were acceptable, but requested the Board to consider whether the correct hourly rates have been claimed for consultants under Appendix A to the Intervener Costs Policy.

4.0 Board Findings

The Board has reviewed the Cost Application by CAC, as well as the comments provided by MPI. The Board finds that CAC meets all of the requirements for a cost award. The Panel sought comment from both the Taxi Coalition and the Consumers Association of Canada in order to determine whether there was significant overlap of consulting services

performed by Mr. Crozier. The Panel has determined that the interventions were unique and the consulting services performed by Mr. Crozier were specific to the respective interventions. The Board further finds that the costs incurred by CAC are reasonable and the Board is prepared to award an amount of \$151,552.95 for CAC's intervention in the Board's review of Manitoba Public Insurance's 2021/22 GRA.

5.0 IT IS THEREFORE ORDERED THAT:

1. The Application of Consumers Association of Canada (Manitoba) Inc. for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$151,552.95
2. Manitoba Public Insurance pay the Consumers Association of Canada (Manitoba) Inc. 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

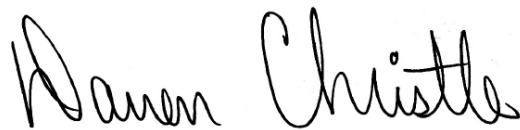
THE PUBLIC UTILITIES BOARD

"Irene Hamilton, Q.C."

Panel Chair

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

Certified a true copy of Order 15/21
issued by the Public Utilities Board



Secretary