

**M A N I T O B A** ) **Order No. 103/00**  
 )  
**THE PUBLIC UTILITIES BOARD ACT** ) **July 10, 2000**

BEFORE: G. D. Forrest, Chairman  
Ken Collin, Member  
J. A. MacDonald, Member

**APPLICATION BY THE CONSUMERS' ASSOCIATION OF  
CANADA (MANITOBA) INC. AND MANITOBA SOCIETY OF  
SENIORS FOR AN AWARD OF COSTS FOR  
PARTICIPATING IN A HEARING CALLED TO CONSIDER  
AN APPLICATION BY CENTRA GAS MANITOBA INC. FOR  
APPROVAL OF THE INTERLAKE EXPANSION**

A public hearing was held in Arborg, Manitoba commencing May 10, 2000 to consider issues arising out of an application by Centra Gas Manitoba Inc. ("Centra") for approval of the Interlake Expansion Application.

By letter dated June 13, 2000 Counsel for the Consumers' Association of Canada (Manitoba) Inc. and the Manitoba Society of Seniors (the "Applicants") filed the appropriate hearing and summary sheets. The total claim for costs is \$51,302.33 comprised of professional fees of \$46,495.75 disbursements of \$1,452.20 and GST of \$3,354.38. By way of letter dated June 27, 2000 a Revised Summary of costs was filed by the applicant indicating a total claim of \$51,552.07 comprising of professional fees of \$46,495.75

disbursements of \$1,685.60 and GST of \$3,370.72.

The Applicant submitted that they have contributed to the proceedings in terms of the pertinent information requests, of the cross-examination conducted and of the position advanced.

The Applicant was of the opinion that there was no duplication arising out of their participation. The Applicant also noted its lack of financial resources and substantial interest in the process and the outcome of the proceedings.

By way of letter dated June 21, 2000 Centra provided their comments and observations on the application. Centra indicated a concern with the number of hours and fees as charged by accounting advisors Stephen Johnson and in comparison with the time spent by Legal Counsel for CAC/MSOS and time spent by Stephen Johnson on the former Interlake Application and the Swan Valley Application.

Centra also indicated a concern with Peter M. Nettleton Consulting Ltd. indicating that no information was provided as to the contribution made by Mr. Nettleton nor the reasons necessitating his retainer in addition to the retainer of Stephen Johnson. Centra also noted the change in the hourly rates of Stephen Johnson and was of the opinion that the charges for secretarial services was a duplication of charges.

By way of letter dated June 27, 2000, CAC/MSOS responded to Centra's comments. CAC/MSOS noted that Stephen Johnson provided its service of 115.5 hours over a period of three months and that it was not useful to calculate this over a number of weeks. CAC/MSOS also noted that two filings were made to support the application and as well inadequate responses to Information

Requests required additional time.

CAC/MSOS further noted the matter of the lack of Centra's responsiveness and its impact on regulatory effort specifically the refusal by Centra to provide electronic versions of the model. CAC/MSOS also noted that SaskEnergy provided an electronic model allowing CAC/MSOS to work more efficiently. On the matter of secretarial services CAC/MSOS indicated that Stephen Johnson and Peter M. Nettleton Consulting Ltd. have always billed its time for fees and secretarial time.

#### **BOARD COMMENTS**

The Applicant is well known to the Board as an intervenor on matters relating to Centra. The Board is satisfied that the Applicant has insufficient financial resources to present its case adequately without an award of costs. The Applicant represents a group which has a substantial interest in the outcome of the proceedings.

The Board notes the hours and fees as charged by the accounting advisors for CAC/MSOS. In reviewing the cost applications of CAC/MSOS the Board notes in comparison the time spent by the accounting and gas procurement and transmission advisors in this application is significantly greater than the previous Interlake Application. While the Board notes the importance of CAC/MSOS to have available this advice, the Board shares the concern of Centra about the time spent by these advisors on this application. Accordingly, the Board will reduce this request and allow on the basis of the information filed and the nature of the matter before the Board, a total of eighty (80) hours for M. G. Matwichuk for an amount of \$14,000.00. The Board will also allow twenty seven (27) hours to Peter M. Nettleton Consulting

Ltd. for an amount of \$4,995.00 plus \$847.50 for secretarial services totalling \$5,842.50.

The Board will approve the costs as submitted for D'Arcy & Deacon, Econalysis and International Rose Reporting and will approve fees for M. G. Matwichuk for an amount of \$14,000, Peter M. Nettleton for an amount of \$5,842.50 with disbursements of \$72.05 and GST of \$1,334.69.

**IT IS THEREFORE ORDERED THAT:**

1. The Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors' application for an award of costs be allowed in the amount of \$41,490.05.
2. The costs shall be payable by Centra Gas Manitoba Inc. within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"G. D. FORREST"  
Chairman

"H. M. SINGH"  
Acting Secretary

Certified a true copy of Order  
No. 103/00 issued by The Public  
Utilities Board

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Acting Secretary