

M A N I T O B A) **Order No. 110/00**
)
THE PUBLIC UTILITIES BOARD ACT) **July 18, 2000**

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

**APPLICATION BY THE BIFROST RATEPAYERS
ASSOCIATION 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 12, 2000 Mr. Randall Stefanson on behalf of the Bifrost Ratepayers Association (BRA) (the "Applicant") filed an application for costs. The total claim for costs is \$5,574.70 comprised of professional fees of \$4,850.00, disbursements of \$360.00 and GST of \$364.70.

Mr. Stefanson noted that he had been acting as spokesperson for the BRA and included a copy of the invoice from

his consulting company to Mr. Peter Marykuca of BRA. The BRA does not claim to represent all the views of all ratepayers in the Rural Municipality of Bifrost, noting that while it was not against natural gas expansion there were areas of concern.

Mr. Stefanson also noted that he is of the belief that he was able to promote the concerns of the BRA, make a significant contribution that was both relevant and did contribute to a better understanding by all parties regarding the issues before the Board; participating in all aspects of the hearing. Mr. Stefanson also noted that there was no duplication with Christian/Fleury.

Centra provided its comments on the Application by way of letter dated June 21, 2000. Centra took the position that the Application did not satisfy the criteria set out by Board Order 163/87 and took the position that the costs should be denied.

Centra submitted that there is no evidence before the Board as to the membership of BRA and as such the BRA has provided no basis on which it could meet the criteria of representing the interests of a substantial number of utility customers.

Centra was of the opinion that the BRA had not demonstrated financial need for payment noting that Mr. Stefanson had identified himself as a spokesperson for BRA, not indicating that he had been retained as a consultant, which for the first time appeared in the Application for costs. Centra also noted that there was no information on the type of retainer under which PSD Consulting was retained. It was noted that PSD Consulting was described as a carrying on "consulting work on environment and management" and that issues canvassed by the BRA did not relate to environmental matters.

Centra also noted that Mr. Stefanson is the party who completed the registration of the BRA with the Companies Branch. In addition it was noted that in Board Order 163/87 (page 3) the Board's notation that "costs will not include expenses relating to intervenor's own time such as lost wages, etc. caused by their attendance at the Board's hearing. Centra took the position that BRA is not entitled to include expenses related to the intervenor's own time. Centra is of the view that the claim for costs should be disallowed.

Notwithstanding the above, Centra indicated a willingness to pay the reasonable disbursements of the Association, where such disbursements are supported by appropriate documentation.

BRA responded to Centra's comments by way of letter dated June 22, 200. BRA noted that the organization has next to no financial resources, no source of government funding and is dependent on a combination of donation and volunteer time. The BRA noted that the amount of work required to make an adequate presentation of BRA's issues clearly exceeded what could be considered volunteer time.

BRA also reiterated its position that it had a substantial interest in the outcome of the proceedings and took the position that, it had provided a response to the question of membership as requested in "PUB/BIFROST 1". BRA also indicated that membership is restricted to those who are ratepayers, i.e. those who own land. BRA took the position that "the criteria specified in Order 163/87 was met beyond expectations". A membership list was subsequently provided to the Board in confidence.

Board Comments

The Board has reviewed the application and the comments of Centra Gas. The Board is of the opinion that BRA has a substantial interest in the outcome of the proceedings, and did contribute to a better understanding of the issues.

The Board however will reduce the amount of the claim in the application by 50% to more accurately reflect the contribution of this intervenor.

IT IS THEREFORE ORDERED THAT:

1. The Bifrost Ratepayers Association's application for an award of costs be allowed in the amount of \$2,787.35.
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

"G. O. BARRON"
Secretary

Certified a true copy of Order
No. 110/00 issued by The Public
Utilities Board

Secretary