

MANITOBA) Order No. 159/02
)
THE PUBLIC UTILITIES BOARD ACT) September 5, 2002

BEFORE: G. D. Forrest, Chairman
M. Girouard, Member
Mario J. Santos, Member

**APPLICATION BY THE CONSUMERS' ASSOCIATION OF
CANADA (MANITOBA) INC. AND MANITOBA SOCIETY OF
SENIORS FOR AN AWARD OF COSTS FOR PARTICIPATING
IN THE CONSIDERATION OF AN APPLICATION BY CENTRA
GAS MANITOBA INC. FOR APPROVAL OF 2002/03 COST
OF GAS**

Background

A public hearing was held in the City of Winnipeg, commencing June 17, 2002 to consider issues arising out of an application by Centra Gas Manitoba Inc.'s ("Centra") for approval of 2002/03 Cost of Gas. The Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors were granted intervenor status to present a joint intervention.

Application by CAC/MSOS

By letter dated July 25, 2002 Counsel for the Consumers' Association of Canada (Manitoba) Inc. and the Manitoba Society of Seniors (the "Applicant") filed with the Board the appropriate hearing and summary sheets. The total claim for costs is \$76,226.09 comprised of professional fees of \$63,335.09, disbursements of \$7,379.40 and GST of \$5,511.60.

The Applicant, in commenting about the nature of its intervention, noted that although the hearing was not as extensive as the previous year's hearing the intervenors have a continuing interest and role to play in several ongoing issues. The Applicant also noted the contribution made by CAC/MSOS in terms of the expert evidence provided and the efficient usage of these expert consultants.

The Applicant submitted that there was no duplication, and noted its co-operation by agreeing not to have Mr. Pringle attend in Winnipeg to testify. The Applicant also noted its lack of financial resources and substantial interest in the process and the outcome of the proceedings.

In response to a request from Centra CAC/MSOS submitted further details on travel expenses of \$3,822.49. The Applicant further submitted by way of letter dated August 19, 2002 that the travel expenses objected to by Centra are appropriate.

The Applicant submitted that the costs requested are reasonable under the circumstances and requested that an Order as to costs be rendered within 15 days.

Centra's Position

By way of letter dated July 25, 2002 requesting further details for the travel expenses of \$3,822.49 as submitted by CAC/MSOS. In its letter of August 8, 2002 Centra expressed concerns regarding the travel expenses submitted. Centra questioned the need for two Counsel to make such a trip with an expert who was neither filing evidence nor appearing to testify. Centra submitted that if a face to face meeting was required that the expert should have been brought to Winnipeg at a significantly smaller cost. Centra submitted that the disbursement be disallowed in its entirety.

BOARD COMMENTS

The Board has reviewed the submissions of CAC/MSOS and the comments provided by Centra Gas.

The Board notes that the subject matter of the hearing has significant financial implications for the ratepayers of Manitoba.

With respect to this Application for costs, the Board finds CAC/MSOS has demonstrated financial need and that they do represent a substantial interest in the proceeding. Furthermore, the Board finds that CAC/MSOS did represent its interest in a responsible manner, respected the public hearing process and co-operated with others.

The Board has reviewed carefully the exchange regarding travel costs. While the Board had no concerns regarding the joint travel arrangements of Counsel, it did have some concerns regarding

