

MANITOBA ) Order No. 206/02  
 )  
THE PUBLIC UTILITIES BOARD ACT ) December 5, 2002

BEFORE: G. D. Forrest, Chairman  
R. Mayer, Q.C., Vice-Chairman  
K. Kinew, Member

**APPLICATION BY TIME TO RESPECT EARTH'S  
ECOSYSTEMS INC. FOR AN AWARD OF COSTS FOR  
PARTICIPATING IN THE CONSIDERATION OF MANITOBA  
HYDRO STATUS UPDATE FILING**

**Background**

A public hearing was held in the City of Winnipeg, commencing May 27, 2002 to consider issues arising out of Manitoba Hydro Status Update Filing. Time to Respect Earth's Ecosystem Inc. ("TREE") was granted intervenor status.

**The Application**

By letter dated October 10, 2002, Mr. Peter Miller, Vice President of TREE (the "Applicant") filed the appropriate hearing and summary sheets. The total claim for costs is \$48,676.72 comprised of professional fees of \$43,539.38, disbursements of \$3,232.64 and GST of \$1,904.00.

The Applicant indicated that they had a substantial interest in the matter as indicated in Board Order No. 12/02. On the matter of Financial need TREE filed its March 31, 2002 year-end financial statement, a April 10, 2002 budget report and a letter of February 13, 2002 indicating that TREE would assume the financial risk of the intervention. TREE indicated that there were no budgeted funds for this intervention and therefore the organization did not have the financial resources to support the intervention. TREE further submitted that it had conducted itself responsibly and made a substantial contribution to the process.

Manitoba Hydro by way of letter dated November 1, 2002 indicated that it had no comments with respect to the application.

### **Board Comments**

The Board is satisfied that the Applicant represents a significant interest in the proceedings. On the matter of financial resources to present its case adequately without an award of costs, the Board notes the financial position of TREE and will agree with its position

The Board is satisfied that the Applicant has met the guidelines established for an award of cost and will allow the request in full.

The Board recognizes the contribution made by this Intervenor to the process and while this decision will not set a precedent, the Board on the basis of the nature of the matter of this hearing will allow the request in full of \$48,676.72.

