

MANITOBA) Order No. 46/03
)
THE PUBLIC UTILITIES BOARD ACT) March 19, 2003

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

**APPLICATION BY CONSUMERS' ASSOCIATION OF
CANADA (MANITOBA) INC./MANITOBA SOCIETY OF
SENIORS FOR AN AWARD OF COSTS FOR
PARTICIPATING IN THE CONSIDERATION OF A
FILING BY MANITOBA HYDRO TO PROVIDE AN
INFORMATION UPDATE REGARDING FINANCIAL
RESULTS, FORECASTS, METHODOLOGIES,
PROCESSES, AND OTHER MATTERS RELATING TO
SALES RATES CHARGED BY MANITOBA HYDRO**

Manitoba Hydro (MH) filed a status update with The Public Utilities Board (the Board) on November 30, 2001. A Pre-Hearing Conference was held on January 14, 2002 and flowing from this hearing the Board issued Order No. 9/02 which amongst other things approved intervenor status for CAC/MSOS for this proceeding.

A public hearing was held on various dates between May 27 and September 30, 2002.

Pursuant to the Board's Draft Rules of Practice and Procedure and Order No. 163/87 regarding the awarding of costs to intervenors. CAC/MSOS in a letter dated January 20, 2003 applied for an award of costs with supporting material as noted below:

| | |
|------------------------|----------------------------|
| Legal Fees | \$ 45,696.00 |
| Consultant/Expert Fees | 106,333.75 |
| Disbursements | <u>12,995.93</u> |
| Total | <u><u>\$165,025.68</u></u> |

In support of its Application, CAC/MSOS noted that "CAC/MSOS participated vigorously in all aspects of these proceedings. On behalf of CAC/MSOS, a substantial body of interrogatories were presented, two pieces of extensive expert evidence were provided and five panels of witnesses were cross examined. CAC/MSOS also participated in two rounds of final argument".

In CAC/MSOS' respectful view CAC/MSOS made a significant contribution to the proceeding and satisfied the requirement for an award of costs. In making the Application, CAC/MSOS noted that 32 hours of counsel's time and 16.5 hours of expert's time were not included as such time was spent either reviewing the historical record or preparing material prior to MH's application being filed.

In a letter dated January 31, 2003, MH advised the Board that the application for costs had been reviewed and MH had no comment.

Board Comments

CAC/MSOS is well known to the Board and the Board is satisfied that CAC/MSOS represented a substantial interest in the proceeding and co-operated with others, participated in a responsible manner and was unable to make an intervention without an award of costs. The Board is also satisfied that CAC/MSOS made a significant contribution to the proceeding and contributed to a better understanding of the issues before the Board.

The Board has carefully reviewed the supporting material filed by CAC/MSOS and is satisfied that the quantum of the application is reasonable and accordingly will award costs in full.

IT IS THEREFORE ORDERED THAT:

1. The Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors' application for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$165,025.68.

2. These costs shall be paid by Manitoba Hydro.

THE PUBLIC UTILITIES BOARD

"G. D. FORREST"
Chairman

"G. O. BARRON"
Secretary

Certified a true copy of
Order No. 46/03 issued by The
Public Utilities Board

Secretary