

MANITOBA ) Order No. 5/04  
 )  
THE PUBLIC UTILITIES BOARD ACT ) January 20, 2004

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

**MANITOBA HYDRO - APPLICATION FOR REVIEW AND  
VARY OF ORDER NO. 7/03 - APPLICATION OF  
CONSUMERS' ASSOCIATION OF CANADA (MANITOBA)  
INC. AND MANITOBA SOCIETY OF SENIORS FOR AN  
AWARD OF COSTS**

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On February 3, 2003, The Public Utilities Board ("the Board") issued Order 7/03 with respect to a filing by Manitoba Hydro ("Hydro") which provided an information update on financial results, forecasts, methodologies, processes and other matters relating to sales rates charged by Hydro. Order 7/03 included a requirement for Hydro to file a revised Schedule of Rates to be effective April 1, 2003, as well as other directives.

On March 19, 2003, Hydro filed an application with the Board pursuant to subsection 44(3) of *The Public Utilities Board Act*, to review and vary certain directives contained in

Order 7/03. On March 31, 2003, the Board issued Order 51/03 which deferred the operation and implementation of the Board's directives in Order 7/03 until a further Order of the Board.

Manitoba Hydro's application was circulated to Interveners of Record to the proceedings of the Board leading up to the issuance of Order 7/03 with an invitation to participate in a paper hearing process to consider Manitoba Hydro's application for Review and Vary.

The Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors (CAC/MSOS) participated in this paper hearing process and pursuant to the Board's Draft Rules of Practice and Procedure made an application for an award of costs. This Application was filed on December 16, 2003 and is summarized below:

Legal Fees	\$1,680.00
Consultant Fees	\$2,187.50
Disbursements	<u>136.76</u>
Total	\$4,004.26

In support of its application, CAC/MSOS provided details as to CAC/MSOS' compliance with the Board's criteria for an award of costs.

Manitoba Hydro, in a letter dated January 2, 2004, advised that Manitoba Hydro has no objections or comments with respect to CAC/MSOS' cost application.

The Board has reviewed the application of CAC/MSOS and is satisfied that the application should be approved as submitted. CAC/MSOS is well known to the Board and the Board is satisfied that CAC/MSOS made a significant contribution to the proceeding.

**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 \$4,004.26.
2. The costs shall be payable by Manitoba Hydro 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. 5/04 issued by The  
Public Utilities Board

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Secretary