

M A N I T O B A) Order No. 120/04
)
THE PUBLIC UTILITIES BOARD ACT) September 22, 2004

BEFORE: Graham F. J. Lane, C.A., Chairman
R. Mayer, Q.C., Vice-Chair
L. Evans, Member

**MANITOBA HYDRO - GENERAL RATE APPLICATION
APPLICATION OF TIME TO RESPECT EARTH'S ECOSYSTEMS INC.
AND RESOURCE CONSERVATION MANITOBA
FOR AN AWARD OF COSTS**

On March 24, 2004, The Public Utilities Board (the Board) issued Order No. 43/04 approving a public hearing process to consider Manitoba Hydro's General Rate Application. Time to Respect Earth's Ecosystems Inc. and Resource Conservation Manitoba (TREE/RCM) intervened in this proceeding. On August 9, 2004, TREE/RCM filed an application for costs, as follows:

Consulting Fees	\$17,223.48
Disbursements	<u>\$ 1,704.45</u>
Total	\$18,927.93

With respect to the Board's established criteria for an award of costs, TREE/RCM reminded the Board of its substantial interest in the outcome of the proceedings and its financial need. TREE/RCM opined that they had participated responsibly, and co-operated with other parties in order to minimize duplication.

TREE/RCM indicated that it had advanced specific rate proposals not put forth by Manitoba Hydro and other parties, and that TREE/RCM had dealt in greater depth with matters related to sustainable and just energy cost and rate regimes. TREE/RCM opined that some of its recommendations were adopted by the Board. In a letter dated September 8, 2004, Manitoba Hydro advised that Manitoba Hydro supported TREE/RCM's Application for an award of costs.

The Board reviewed the Application of TREE/RCM and noted that TREE/RCM's preparation and appearance time costs were substantially lower than forecast in TREE/RCM's proposed budget.

The Board finds TREE/RCM made a significant contribution to the proceeding in supporting energy conservation and effective pricing. With the possible exception of the Board, no other intervenor addressed these issues in the same depth. The Board found TREE/RCM's intervention to have been co-operative, efficient and effective. The Board notes in particular the contributions of Professor Miller, for which TREE sought no award of costs.

Accordingly, the Board will award costs to TREE/RCM in full.

IT IS THEREFORE ORDERED THAT:

1. Time to Respect Earth's Ecosystems Inc. and Resource Conservation Manitoba's application for an award of costs be allowed in the full amount of \$18,927.93.
2. The costs shall be payable by Manitoba Hydro within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"GRAHAM F. J. LANE, C.A."
Chairman

"G. O. BARRON"
Secretary

Certified a true copy of Order
No.120/04 issued by The Public
Utilities Board

Secretary