

M A N I T O B A ) Order No. 94/06  
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THE PUBLIC UTILITIES BOARD ACT ) June 19, 2006

BEFORE: Graham F. J. Lane, C.A., Chairman  
Robert Mayer, Q.C., Vice-Chair  
Dr. Kathi Avery Kinew, Member  
Dr. Leonard Evans, Member

APPLICATION FOR AN AWARD OF COSTS: RESOURCE  
CONSERVATION MANITOBA/TIME TO RESPECT  
EARTH'S ECOSYSTEMS (SPECIAL HEARING - COST  
OF SERVICE METHODOLOGY, MANITOBA HYDRO)

## **Introduction**

By this Order, the Public Utilities Board (Board) approves an application for an award of costs by Resource Conservation Manitoba/Time to Respect Earth's Ecosystems (RCM/TREE), in the amount of \$19,443.93. The award is with respect to RCM/TREE's participation in a special public hearing regarding the methodology used by Manitoba Hydro (MH) in developing its Cost of Service Studies (COSS).

## **Application**

The Board held a special public hearing regarding MH's COSS, a mechanism employed in the rate setting process. The hearing was held at the Board's offices in Winnipeg on May 4 through June 2, 2006.

Pursuant to Section 56 of The Public Utilities Board Act, the Board has jurisdiction to award costs of, and incidental to, any proceeding. The Board's Rules of Practice and Procedure (Rules) stipulate four criteria for determining whether costs should be awarded, that being whether an Intervener:

1. made a significant contribution relevant to the proceeding and contributing to a better understanding by all parties of the issues before the Board;
2. participated in the hearing in a responsible manner and cooperated with other Interveners with common objectives to avoid a duplication of intervention;

3. had insufficient financial resources to present the case adequately without an award of costs; and
4. had a substantial interest in the outcome of the proceeding, and represented the interests of a substantial number of MH's customers.

RCM/TREE applied to the Board for an award of costs comprising:

Professional fees- Jim Lazar Consulting	\$18,240.00
Disbursements	\$1,203.93
Total Claim	<u>\$19,443.93</u>

In its application, RCM/TREE opined it had met the Board's criteria with respect to substantial interest, financial need and responsible and co-operative participation. RCM/TREE opined that its intervention made a unique contribution to a better understanding of the issues before the Board by introducing an approach to full-cost accounting that included:

- a) the value of MH electrical supply in addressing global climate change; and
- b) the full market value of MH's product.

In response to the application, MH indicated it had no objection.

**Board Findings**

The Board is satisfied that RCM/TREE met the criteria for an award of costs, and that RCM/TREE did make a substantial contribution to the proceedings, contributing to a better understanding of the matter before the Board.

Accordingly, the Board will award cost in full.

**IT IS THEREFORE ORDERED THAT:**

1. Resource Conservation Manitoba/Time to Respect Earth's Ecosystems be awarded costs in the amount of \$19,443.93.
2. 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. GAUDREAU, CMA"  
Secretary

Certified a true copy of  
Order No. 94/06 issued by The  
Public Utilities Board

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Secretary