

MANITOBA) Order No. 121/07
)
THE PUBLIC UTILITIES BOARD ACT) September 24, 2007

BEFORE: Graham Lane, C.A., Chairman
Leonard Evans, LL.D., Member
Eric Jorgensen, Member

AWARD OF COSTS: RESOURCE CONSERVATION
MANITOBA/TIME TO RESPECT EARTH'S ECOSYSTEMS
(INTERVENTION IN CENTRA GAS MANITOBA INC.'S
2007/08 AND 2008/09 GENERAL RATE APPLICATION)

Introduction

By this Order, the Public Utilities Board (Board) approves an application for a \$70,086.95 award of costs submitted by Resource Conservation Manitoba/Time to Respect Earth's Ecosystems (RCM/TREE), with respect to RCM/TREE's participation in Centra Gas Manitoba Inc.'s (Centra) 2007/08 and 2008/09 General Rate Application proceeding.

Application

The Board held a public hearing regarding Centra's application at the Board's offices in Winnipeg, beginning on June 5, 2007 and concluding on June 20, 2007.

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 the following aggregate disbursements:

Legal		
	Fees	\$33,990.40
	Disbursements	<u>\$1,262.14</u>
	Total Legal	<u>\$35,252.54</u>
Consulting		
	Fees	\$33,700.00
	Disbursements	<u>\$1,134.41</u>
	Total Consulting	<u>\$34,834.41</u>
Total Claim		<u>\$70,086.95</u>

In its application, RCM/TREE opined that its intervention assisted in a thorough assessment of the general rate application.

In response to RCM/TREE's application, Centra indicated no objection, except to suggest that in future applications, RCM/TREE should specifically address the Board's four criteria for cost awards.

Board Findings

The Board accepts that RCM/TREE met the Board's criteria for an award of costs, and that the intervener:

- a) made a substantial contribution to the proceedings;
- b) contributed to the Board's better understanding of the matters that came before it;
- c) cooperated with the other parties to the proceeding; and
- d) required a cost award to allow it to participate.

In short, the Board finds merit in RCM/TREE's participation and sufficient support for its application for a cost award.

Accordingly, the Board will approve the cost award as applied for.

IT IS THEREFORE ORDERED THAT:

1. Resource Conservation Manitoba/Time to Respect Earth's Ecosystems be awarded costs in the amount of \$70,086.95.
2. Costs be payable by Centra Gas Manitoba Inc. 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. 121/07 issued by
The Public Utilities Board

Secretary