

MANITOBA) Order No. 165/08
)
THE PUBLIC UTILITIES BOARD ACT) December 15, 2008

BEFORE: Graham Lane, CA, Chairman
Leonard Evans, LLD, Member
Monica Girouard, CGA, Member
Eric Jorgensen, Member

AWARD OF COSTS: CONSUMERS' ASSOCIATION OF CANADA
(MANITOBA) INC./MANITOBA SOCIETY OF SENIORS -
INTERVENTION,
FIXED-RATE PRIMARY GAS SERVICE APPLICATION

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$24,896.79 to the Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors (CAC/MSOS).

The cost award is with respect to CAC/MSOS' participation in the Board's consideration of Manitoba Hydro's (Hydro) application to enter the fixed-price fixed-term natural gas market in Manitoba.

Application

The Board recently held a public hearing to consider an application by Hydro to enable Centra Gas Manitoba Inc. (Centra) to enter the fixed-price fixed-term natural gas market in Manitoba. The proceeding was paper-based, and the Board's decision was issued in Order 156/08 of December 2, 2008.

Pursuant to Section 56 of *The Public Utilities Board Act*, the Board has jurisdiction to award costs of, and incidental to, any Board proceeding. Cost awards are at the Board's discretion, though the Board makes cost awards on the basis of long-established criteria outlined in the Board's Rules of Practice and Procedure (Rules).

These criteria require applicants to have had a material interest in the proceeding, lacked the financial resources necessary to participate in the absence of a cost award, and to have participated responsibly.

The Board's Rules also stipulate that an Intervener making application for a cost award had a substantial interest in the outcome of the proceeding, and represented the interests of a substantial number of Centra's customers.

CAC/MSOS applied for \$24,896.79, comprised of:

Legal	Fees	\$5,664.41	
	Disbursements	<u>370.70</u>	
	Sub-Total		\$ 6,035.11
 Consulting			
	Mr. M. Stauff	Fees:	<u>\$18,861.68</u>
GRAND TOTAL			<u>\$24,896.79</u>

In support of its application, CAC/MSOS noted that its monetary request was relatively close to its original budget, that being \$19,686.80, with the cost overrun attributable primarily to the addition of a second round of interrogatory requests.

CAC/MSOS opined that it had contributed in a constructive and meaningful way, assisting in revealing issues and differences between the parties. The intervener further represented that there had been no duplication of efforts of other interveners, and, with respect to the use of its consultant, it had made a concerted effort to ensure little or no overlap of the work effort between counsel and consultant.

Centra advised that the Utility had no comment with respect to the application.

Board Findings

CAC/MSOS is well known to the Board, and the Board accepts that CAC/MSOS not only had a material interest in the outcome of the proceeding but also participated responsibly. CAC/MSOS is a non-profit organization that lacks the ability to participate effectively without a cost award.

The Board finds that the matters canvassed and commented upon by CAC/MSOS' intervention were germane to the matters at hand.

The Board notes CAC/ MSOS' request is for a greater award than initially expected, but recognizes that the process was altered after it began to incorporate another round of interrogatories.

In short, the Board will approve CAC/MSOS' request for costs as submitted.

IT IS THEREFORE ORDERED THAT:

1. Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors' request for an award of costs is HEREBY APPROVED in the amount of \$24,896.79; and
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 CA"
Chairman

"G. GAUDREAU, CMA"
Secretary

Certified a true copy of
Order No. 165/08 issued by
The Public Utilities Board

Secretary