

M A N I T O B A	Order No. 44/09
THE PUBLIC UTILITIES BOARD ACT	
THE MANITOBA HYDRO ACT	
THE CROWN CORPORATIONS PUBLIC REVIEW AND ACCOUNTABILITY ACT	April 23, 2009

Before: Graham Lane, C.A., Chairman  
Robert Mayer, QC, Vice-Chairman  
Susan Proven, P.H.Ec., Member

THE CONSUMERS' ASSOCIATION OF CANADA (MANITOBA) INC./  
MANITOBA SOCIETY OF SENIORS/WINNIPEG HARVEST:  
AWARD OF COSTS  
ARISING OUT OF A MANITOBA HYDRO APPLICATION  
(RATE INCREASE - APRIL 1, 2009)

## **Introduction**

The Public Utilities Board (Board) conducted a paper-based review of an application by Manitoba Hydro (Hydro) for a 4% rate increase, to be effective April 2009, conditionally granted to Hydro by the Board arising out of a 2008 General Rate Application (GRA) public hearing.

In addressing Hydro's (GRA) in the spring of 2008, the Board directed Hydro to file additional reports ahead of the potential implementation of a conditionally granted April 1, 2009 rate increase of 4% that in addition to an increase granted for July 1, 2008. Given the extensive evidence considered at the 2008 hearing, when the 4% conditional increase was provided for, the Board determined that the review of the supporting material for the April 1, 2009 rate increase would be paper-based.

Intervenors of record for the 2008 GRA, namely the Consumers' Association of Canada (Manitoba) Inc./ Manitoba Society of Seniors/ Winnipeg Harvest (Coalition), Manitoba Industrial Power Users Group (MIPUG), Resource Conservation Manitoba and Time to Respect Earth's Ecosystems (RCM/TREE) and the City of Winnipeg, also intervened in the paper-based review process.

Following completion of the process, the Coalition applied to the Board for an award of costs.

This Order directs Hydro to provide a payment to the Coalition in the amount of \$4,658.25.

**Application**

The Coalition applied for an award of costs of \$4,658.25, comprised of:

<b>Legal Fees</b>	Fees		\$ 3,132.00
<b>Consulting Fees</b>	Econalysis:	Fees	\$ 1,526.25
<b>Total</b>			\$ 4,658.25

In support of its application for a cost award the Coalition stated:

"The Coalition presented new information on the decelerated rate of inflation and the declining projected growth rate of the Manitoba economy which was not fully reflected in the Manitoba Hydro supporting materials. It raised the question of whether the projected O, M and A expenditures were reasonable in light of the materially reduced pace of inflation. It also observed that it appeared inconsistent with the public interest to materially raise hydro-electric rates at a time when governments across the world were seeking to put more money into consumers pocket. As well, the Coalition addressed two other important public policy issues including Hydro's asymmetrical approach to achieving financial security and the intergenerational ramifications of imposing a 9% rate increase in less than one year.

Based both on the information provided by Manitoba Hydro and its own research, the Coalition made a significant contribution to this proceeding by addressing the question of whether a material change in both global and Hydro's circumstances suggested that the rate increase sought by Manitoba Hydro should be materially reduced."

**Hydro's Comments**

Hydro expressed no objection to the Coalition's application.

**Board Findings**

The Coalition met the Board's criteria for an award of costs, as set out in the Board's *Rules of Practice and Procedure*. The Coalition is well known to the Board and its intervention was of value to the public interest in augmenting the Board's knowledge of the various issues tested through the proceeding.

The Board concludes that the overall costs submitted by the Coalition for its participation in this proceeding was reasonable, and will therefore award costs in the amount stated herein to the Coalition.

**IT IS THEREFORE ORDERED THAT:**

1. The Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors/Winnipeg Harvest (Coalition) be awarded costs in the amount of \$4,658.25.
2. Costs shall be paid by Manitoba Hydro within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE, C.A."  
Chairman

"G. A. GAUDREAU, C.M.A."  
Secretary

Certified a true copy of  
Order No. 44/09 issued by The  
Public Utilities Board

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Secretary