

M A N I T O B A) Order No. 35/10
)
THE PUBLIC UTILITIES BOARD ACT) April 7, 2010

BEFORE: Susan Proven, P.H.Ec., Acting Chair
Monica Girouard, CGA, Member

RURAL MUNICIPALITY OF GIMLI
REQUEST FOR INTERVENER STATUS

SUMMARY

By this Order, the Public Utilities Board (Board) denies an application for intervener status from Mr. Ted Mathers for the Board's public hearing (to be held on May 17, 2010) of the Rural Municipality of Gimli's (RM) application for approval of revised water and sewer rates.

INTRODUCTION

The Board received an application (dated December 30, 2009) from the RM for approval of revised water and sewer rates. Subsequently, the Board scheduled a public hearing for May 17, 2010 and approved a notice of hearing to be published, posted and distributed by the RM.

The Board then, through Order 29/10, granted intervener status to Mr. Brian McClintock. Mr. McClintock is a resident of the RM and the Board encourages readers to refer to this Order on the Board's website: www.pub.gov.mb.ca.

By facsimile received by the Board on March 26, 2010, Mr. Ted Mathers submitted an Intervener Request Form. The application set out the following reasons for the proposed intervention:

1. To address minimum billing quantities.

2. To address the issue of conservation.
3. To address the issue of capital requirements relating to quantities and conservation.
4. To address the issue of full cost recovery and sustainability.
5. To address the issues of fair and equitable rates.

Mr. Mathers indicated that he intends to appear throughout the hearing, wishes to participate in the production and testing of evidence and wishes to present final argument. Mr. Mathers did not indicate if he intended to call witnesses and he will not be requesting an award of costs.

Mr. Mathers added that:

"Through the public hearing process for rates and conditions, the decision by the Public Utilities Board may have long term implications for other utilities in the Province."

RM'S POSITION

Mr. Mathers' application was circulated to the RM for comment.

The RM provided the following response:

"From a review of my tax roll I am unable to identify this person as a property owner in the Municipality. It is very important that at this hearing our property owners receive all the information they require to develop an understanding of the rates proposed and the current status of the utilities in our community. This application speaks to the impact on rates across

the Province. The Board deals with each application as it is made and provides for those utility users to speak to the proposed rates. In addition each system is required to operate within the PUB requirements. I do not necessarily agree that the rates proposed for Gimli would impact other communities across Manitoba. I would have no objection to this person making a presentation to the Board. I would have concerns that acting as an Intervener, with a different concern and agenda, the opportunities for the Municipality to present their position and develop understanding of the need for a rate increase in our community, with the people that are directly impacted by the rates would be limited or reduced."

BOARD FINDINGS AND COMMENTS

The Board after considering Mr. Mathers application will deny him intervener status; the Board agrees with RM's assessment and concerns.

Approving intervener status for an individual not having a direct interest in the outcome of the hearing is not considered to be in the public interest of the ratepayers of the community. The areas of concern as suggested by Mr. Mathers are broader in nature and may or may not have a direct effect on the application of the RM or to the areas of concern of the ratepayers.

That said, the Board will grant Mr. Mathers Presenter status, and will also ensure that all publicly available information related to the application is available to Mr. Mathers for his review, which may take place at either the Board's offices or those of the RM and at a time or times mutually convenient and on proper notice.

Through a presentation to be submitted to the Board and the RM ahead of the hearing, the Board is confident that Mr. Mathers will be able to express his concerns and present his areas of interest to the Board. If provided in an electronic form, the Board will ensure that the presentation is forwarded to the intervener on record.

As the Board anticipates a large number of residents of the RM that will be directly affected by the application of the proposed rates will be in attendance at the scheduled hearing, the Board will reserve the right to limit presentations in order to provide directly affected parties an opportunity to be heard.

If, as Mr. Mathers suggests, his presentation may affect the public hearing process for rates and conditions and that the decisions of the Board may have long term implications for other utilities in the province, the Board encourages Mr. Mathers to submit his presentation in writing to the Board to consider the possible impacts outside of a specific public hearing.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website at www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. Application for intervener status by Mr. Ted Mathers is hereby denied.

THE PUBLIC UTILITIES BOARD

"SUSAN PROVEN, P.H.Ec."
Acting Chair

"GERRY GAUDREAU"
Secretary

Certified a true copy of Order
No. 35/10 issued by The Public
Utilities Board

Secretary