

M A N I T O B A
THE PUBLIC UTILITIES BOARD ACT
THE MANITOBA HYDRO ACT
THE CROWN CORPORATIONS PUBLIC
REVIEW AND ACCOUNTABILITY ACT

Order No. 156/11

November 9, 2011

Before: Graham Lane CA, Chairman
Robert Mayer, Q.C., Vice-Chair

MANITOBA HYDRO 2010/11 AND 2011/12
GENERAL RATE APPLICATION COSTS ORDER
FOR MANITOBA INDUSTRIAL POWER USERS GROUP

Background and Board Findings

Manitoba Industrial Power Users Group (MIPUG) sought an Order from the Public Utilities Board (Board) to recover a portion of costs incurred by MIPUG to intervene in Manitoba Hydro's (MH) 2010/11 and 2011/12 General Rate Application (GRA).

MIPUG's cost request focuses on those aspects of MH's GRA that related to MH's risks and risk management, and, accordingly, MIPUG estimates its costs as related to MH's risk aspects to be thirty (30) per cent of MIPUG's total costs to participate in the GRA.

Subsection 56(1) of *The Public Utilities Board Act* provides:

Costs in discretion of board

56(1) The costs of, and incidental to, any proceeding before the board are in the discretion of the board, and may be fixed in any case at a sum certain or may be taxed.

In exercising its discretion, the Board is guided by Rule 43 of the Board's *Rules of Practice and Procedure*:

Criteria

43. In any proceeding the Board may award costs to be paid to any Intervener who has:

- a) made a significant contribution that is relevant to the proceeding and contributed to a better understanding, by all parties, of the issues before the Board;

- b) participated in the hearing in a responsible manner and co-operated with other Interveners who have common objectives in the outcome of the proceedings in order to avoid a duplication of intervention;
- c) insufficient financial resources to present the case adequately without an award of costs; and
- d) a substantial interest in the outcome of the proceeding and represents the interests of a substantial number of the ratepayers.

While MIPUG, supported by MH, submitted its position on each of the Criteria in Rule 43, the Board need not look further than whether MIPUG has sufficient financial resources to intervene adequately without an award of costs.

While MIPUG has not claimed insufficient financial resources to adequately present its case respecting MH's risks and risk management, MIPUG is asking the Board to consider the current GRA as being analogous to three occasions since 1988 where MIPUG was awarded costs by the Board.

Respectfully, the Board does not accept MIPUG's submissions, and the Board is not prepared to exercise its discretion and award costs to MIPUG in this current GRA.

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*. The Board's Rules may be viewed on the Board's website at www.pub.gov.mb.ca

IT IS THEREFORE ORDERED THAT:

The application of Manitoba Industrial Power Users Group for an award of costs
BE AND IS HEREBY DENIED.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE CA"

Chairman

"HOLLIS SINGH"

Secretary

Certified a true copy of Order No. 156/11
issued by The Public Utilities Board

Secretary