

MANITOBA) **Order No. 87/14**
)
THE PUBLIC UTILITIES BOARD ACT) **July 29, 2014**

BEFORE: Régis Gosselin, B ès Arts, MBA, CGA, Chair
Larry Soldier, Member
Marilyn Kapitany, B.Sc., M.Sc., Member

**AWARD OF COSTS TO GREEN ACTION CENTRE (GAC)
INTERVENTION IN THE APPLICATION BY
MANITOBA HYDRO FOR INTERIM ELECTRIC RATES
EFFECTIVE APRIL 1, 2014**

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$2,427.58 to the Green Action Centre (GAC) of Manitoba.

GAC intervened in the Board's deliberation of Manitoba Hydro's Application for Interim Electric Rates Effective April 1, 2014.

Application

GAC filed with the Board an Application for an Award of Costs on July 9, 2014.

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 the Board may award costs to be paid to an Intervener who has:

1. 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;
2. participated in the hearing in a responsible manner and cooperated with other Interveners with common objectives in the outcome of the proceedings in order to avoid a duplication of intervention;
3. insufficient financial resources to present the case adequately without an award of costs; and
4. a substantial interest in the outcome of the proceeding, and represents the interests of a substantial number of the ratepayers.

The Board approved Intervener status to the Green Action Centre in correspondence to Manitoba Hydro dated April 4, 2014.

GAC's request for reimbursement of costs was supported by statements of accounts as outlined below:

Legal Fees (Gange Goodman & French)	\$2,148.30
GST	\$107.42
RST	\$171.86
Total	\$2,427.58

GAC's original budget for the work was \$4,390.00. In its Costs Application, GAC submitted they represent the interest of a substantial number of rate payers and the issues raised by GAC in their Final Argument are significant and constitute matters of concern in the public interest.

Manitoba Hydro's Comments

By letter to the Board dated July 25, 2014, Manitoba Hydro had no objections with respect to the costs requested by GAC.

BOARD FINDINGS

The Board has reviewed the cost application by GAC as well as the comments provided by Manitoba Hydro. The Board finds that GAC meets all of the requirements for a cost award. In particular, the Board is of the view that GAC made a significant contribution that was relevant to this proceeding which enhanced the understanding of the issues before the Board. Further, it is the view of the Board that GAC participated in the review in a responsible manner. The Board understands that GAC has insufficient financial resources to present its case adequately without an award of costs.

In conclusion, the Board finds that the costs incurred by GAC are reasonable and the Board is prepared to accept them as filed in their Application for Costs.

The award of costs will therefore be approved for GAC in the total amount of \$2,427.58.

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 Board's website at www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. The Application of the Green Action Centre for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$2,427.58 and
2. Costs be payable by Manitoba Hydro to Green Action Centre within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD


"Régis Gosselin, B ès Arts, MBA, CGA"

Chair

"Kurt Simonsen, P.Eng"

Acting Secretary

Certified a true copy of Order No. 87/14
issued by the Public Utilities Board



Acting Secretary