

MANITOBA) **Order No. 90/15**
)
THE PUBLIC UTILITIES BOARD ACT) **September 21, 2015**

BEFORE: Régis Gosselin, B ès Arts, MBA, CPA, CGA, Chair
Richard Bel, B.A.,M.A.,M.Sc., Member
Hugh Grant, Ph.D., Member
Marilyn Kapitany, B.Sc. (Hon), M.Sc., Member

**AWARD OF COSTS TO GREEN ACTION CENTRE (GAC)
INTERVENTION IN THE
MANITOBA HYDRO GENERAL RATE APPLICATION
FOR 2014/15 & 2015/16**

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$105,133.69 to the Green Action Centre (GAC) of Manitoba.

GAC intervened in the Board's deliberation of Manitoba Hydro's 2014/15 and 2015/16 General Rate Application.

Application

GAC filed with the Board an Application for an Award of Costs on August 13, 2015.

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 the Board's Procedural Order (Order 18/15) dated February 9, 2015.

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

Legal Fees (Gange Goodman & French)	\$49,640.50
GST	\$2,482.03
RST	\$3,971.24
Disbursements	\$514.10
GST on Disbursements	\$25.71
PST on Disbursements	\$41.12
Sub-Total	\$56,674.70
Consultant Fees	
Roger Colton	\$47,343.99
Resource Insight Inc. (Paul Chernick)	\$1,115.00
Sub-Total	\$48,458.99
TOTAL	\$105,133.69

GAC's original budget for the work was as follows:

Legal Fees	
Gange Goodman & French	\$66,900.00
Consultants	
Resource Insight Inc. (Paul Chernick)	\$81,787.00
Roger Colton	\$51,168.00
Total	\$199,855.00

In Procedural Order 85/15, the Board did not approve the proposed scope of work for Resource Insight Inc. GAC had proposed Resource Insight Inc. would examine issues around Demand Side Management (DSM) and Time of Use (TOU) rates. The Board noted DSM was extensively reviewed at the recent "Needs for and Alternatives To"

(NFAT) review and TOU rates would be examined in the upcoming Cost of Service hearing.

In its Cost Application, GAC submitted that they made a substantial contribution to the hearing, participated in a responsible manner, and took all reasonable steps to avoid duplication before the Board. GAC also suggested that the evidence of Mr. Colton, and GAC's final argument on bill affordability issues, were considered by the Board in their decision making.

Manitoba Hydro's Comments

By email to the Board dated September 9, 2015, 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.

The Board also notes that GAC legal costs and consultant costs are less than the proposed budgeted amount.

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 \$105,133.69.

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 \$105,133.69 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, CPA, CGA"
Chair

"Kurt Simonsen"
Acting Secretary

Certified a true copy of Order No. 90/15 issued
by the Public Utilities Board

Acting Secretary