

Order No. 39/16

**AWARD OF COSTS: CONSUMERS' ASSOCIATION OF CANADA (MANITOBA) INC.,
WINNIPEG HARVEST,
COMMUNITY FINANCIAL COUNSELING SERVICE
(THE CONSUMERS COALITION)
INTERVENTION IN the 2016 MANITOBA PAYDAY LENDING REVIEW**

March 21, 2016

BEFORE: Karen Botting, B.A., B.Ed., M.Ed., Acting Chair
Régis Gosselin, B ès Arts, MBA, CPA, CGA, Chair
The Hon. Anita Neville, P.C., B.A. (Hons.), Member
Susan Proven, P.H.Ec., Member
Allan Morin, B.A., ICD.D., Member

Introduction

By this Order, the Public Utilities Board (Board) approves the Consumers Coalition (Coalition) application for an interim cost award of \$48,470.88.

The award relates to the Coalition's on-going intervention in the 2016 Manitoba Payday Lending Review and pertains to expenses incurred through March 18, 2016.

Application

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) reflect that 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.

Pursuant to the Board's Rules, the Coalition applied for an interim award of costs in the amount of \$48,470.88. The final bill of costs will be submitted for the Panel's approval following the conclusion of the review.

Procedural Order No. 28/16 approved the Coalition's intervention estimated budget of \$106,880.87 before tax, inclusive of fees and disbursements. The Coalition's expenses have been incurred through March 18, 2016.

BOARD FINDINGS

The Board is satisfied with the Coalition's commitment to participate in a responsible manner and that its proposed experts are in a position to make a significant contribution to the Board's review of payday loans. The Board is of the view that the Coalition has insufficient resources and the Coalition's consultation process will ensure that its participation will be sufficiently aligned with the interests of individuals who have obtained or will obtain payday loans as to be able to represent them in this review.

The Board's decision to grant an interim award does not preclude the Board from determining that the criteria for granting an award have not been fully or only partially satisfied.

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. The Coalition **BE AND IS HEREBY** awarded interim costs of \$48,470.88.

THE PUBLIC UTILITIES BOARD

“KAREN BOTTING, B.A., B.Ed., M.Ed.”
Acting Chair

“JENNIFER DUBOIS, CPA, CMA”
Acting Secretary

Certified a true copy of Order No. 39/16
issued by The Public Utilities Board

Acting Secretary