

MANITOBA) Order No. 107/05
)
THE PUBLIC UTILITIES BOARD ACT) July 7, 2005

BEFORE: Graham F. J. Lane, C.A., Chairman
E. Jorgensen, Member
D. Côté, Member
L. Evans, Member

**APPLICATION BY THE CONSUMERS' ASSOCIATION OF
CANADA (MANITOBA) INC./MANITOBA SOCIETY OF
SENIORS FOR AN AWARD OF COSTS FOR PARTICIPATING
IN A SPECIAL HEARING REGARDING THE CURRENT CLAIMS
COST ATTRIBUTION METHODOLOGY OF MANITOBA PUBLIC
INSURANCE AND THE CONCEPT OF LOSS TRANSFER
IMPLEMENTATION**

The Public Utilities Board (the "Board") held a special public hearing regarding the current claims cost attribution methodology of Manitoba Public Insurance ("MPI") and the concept of Loss Transfer implementation. The hearing was held at the Board's offices in Winnipeg on May 10 through May 12, 2005, and concluded on May 17, 2005.

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 Draft Rules of Practice and Procedure ("Draft Rules") stipulate four criteria for determining whether costs should be awarded, and the Notice of Public Hearing advised as to these Draft Rules. The criteria are as follows and are used to determine whether an intervener:

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 who have 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 Draft Rules of Practice and Procedure, Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors ("CAC/MSOS") applied to the Board for an award of costs comprising:

Legal Fees	\$11,472.00
Counselling Fees	\$13,472.50
Disbursements	\$669.90
Total Claim	<u>\$25,614.40</u>

CAC/MSOS did not bill for research work of 4.4 hours for a total amount of \$220.00.

In support of its application, CAC/MSOS addressed matters of its substantial interest, financial need and responsible and co-operative participation. In the view of CAC/MSOS, they contributed to a better understanding of the issues before the Board by raising issues of:

- a) the situation of motorcyclists in Ontario under the asymmetrical loss transfer regime;
- b) an analysis of the cost pressures faced by motorcyclists under a no fault regime regardless of whether claims costs are allocated on a first party or loss transfer basis;
- c) the potential impact of loss transfer upon accountability at the individual and class level (fairness);
- d) the level of impact of loss transfer and asymmetrical loss transfer in terms of loss prevention.

MPI made no response to this Application for Costs.

Board Finding

As in the past, the Board again is satisfied that CAC/MSOS met fully the criteria for an award of costs including financial need, substantial interest and a responsible and co-operative participation. The Board is also satisfied that CAC/MSOS did make a substantial contribution to the proceedings and contributed to a better understanding of the matter before the Board.

Accordingly, the Board will award cost in full including the amount not claimed for the research work.

IT IS THEREFORE ORDERED THAT:

1. Consumers' association of Canada (Manitoba) Inc./
Manitoba Society of Seniors be awarded costs in the
amount of \$25,834.40.

2. Costs shall be payable by the Manitoba Public
Insurance within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"GRAHAM F. J. LANE, C.A."
Chairman

"G. O. BARRON"
Secretary

Certified a true copy of Order
No. 107/05 issued by The Public
Utilities Board

Secretary