

MANITOBA) Order No. 108/05
)
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 COALITION OF MANITOBA
MOTORCYCLE GROUPS 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, the Coalition of Manitoba Motorcycle Groups ("CMMG") applied for an award of costs comprising of:

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|------------------|--------------------|
| Legal Fees | \$13,081.50 |
| Counselling Fees | \$10,452.25 |
| Disbursements | \$167.04 |
| Total Claim | <u>\$23,700.79</u> |

As noted by the Board at the outset of the proceeding the issue of MPI's Cost Attribution Methodology has been before the Board on many occasions dating back to 1998 primarily related to the issue of Loss Transfer being advanced by CMMG. It was anticipated that CMMG would participate in this proceeding and as in the usual fashion, CMMG made an application for an award of costs.

MPI made no response to this Application for Costs.

Board Finding

CMMG is well known to the Board and as on prior occasions the Board again found CMMG had a substantial interest in the outcome of the proceeding, had a financial need to participate and participated in a responsible and co-operative manner. The Board also found CMMG contributed to a better understanding of the issue.

Accordingly, costs shall be awarded to CMMG in full.

IT IS THEREFORE ORDERED THAT:

1. Coalition of Manitoba Motorcycle Groups be awarded costs in the amount of \$23,700.79.
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. 108/05 issued by The Public
Utilities Board

Secretary