

MANITOBA) **Order No. 168/06**
)
THE PUBLIC UTILITIES BOARD ACT) **December 18, 2006**

BEFORE: Graham F. J. Lane, C.A., Chairman
Leonard Evans, LL.D. (Hon.), Member
Eric Jorgensen, Member

**APPLICATION BY THE MANITOBA BAR ASSOCIATION FOR AN
AWARD OF COSTS – INTERVENTION, MANITOBA PUBLIC
INSURANCE CORPORATION, 2007/08 INSURANCE RATES**

Introduction

By this Order, the Public Utilities Board (Board) approves an application for an award of costs of \$21,534.41 to the Manitoba Bar Association (MBA).

MBA intervened in the Board's hearing of Manitoba Public Insurance's (MPI) application for driver and motor vehicle insurance rates, to be effective March 1, 2007. The hearing process concluded with an October 2006 public hearing at the Board's offices in Winnipeg.

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) provide the Board's four main criteria for assisting it in determining whether costs should be awarded to an Intervener. The Notice of Public Hearing for the proceeding advised interested parties of the Board's Rules.

Application

Pursuant to the Board's Rules, on November 20, 2006, MBA applied for an award of costs of \$21,534.41. MBA submitted its intervention met the Board's criteria for the awarding of costs, and noted that in advance of the public hearing, MPI had not objected to MBA's proposed budget for its intervention.

By letter of December 8, 2006, MPI observed that MBA's cost application reflected billed hours of attendance by MBA's counsel that was significantly higher than submissions for costs in previous proceedings. In response, MBA submitted that the increased hours of attendance were necessary to participate effectively.

MBA noted:

1. MBA had alerted the Board and MPI at the Board's Pre-Hearing Conference of its counsel's intention to attend throughout most of the hearing, and that MPI had not then objected to MBA's plan;
3. MBA's attendance throughout most of the hearing avoided problems that had arisen last year when attendance was reduced;
4. attendance was comparable to attendance for the 2005 hearing;
5. issues of interest throughout the hearing; and
6. mindful of costs, MBA withdrew from attendance when matters were being addressed that were not relevant to its issues.

Board Findings

The Board appreciates the contribution made and co-operation extended by MBA during the hearing process. The Board agrees that MBA met its criteria for awarding costs, and does not consider the MBA an inherently profit-oriented association, particularly with respect to the matters it presented at the hearing.

MBA's efforts were in the public interest and contributed to the Board gaining a better understanding of the issues before it.

Accordingly, the Board will award the costs sought by MBA.

IT IS THEREFORE ORDERED THAT:

1. Manitoba Bar Association be awarded costs of \$21,534.41; and
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, C.G.A."
Acting Secretary

Certified a true copy of Order No. 168/06
issued by The Public Utilities Board

Acting Secretary