

MANITOBA) Order No. 30/12
)
THE PUBLIC UTILITIES BOARD ACT) March 28, 2012

BEFORE: Susan Proven, P.H.Ec., Acting Chair
Len Evans, LL.D., Member
Régis Gosselin, CGA, MBA, Member

CONSUMERS' ASSOCIATION OF CANADA (MANITOBA) INC.
COST AWARD INTERVENTION,
APPLICATION OF MANITOBA PUBLIC INSURANCE
CORPORATION FOR APPROVAL OF 2012/13 COMPULSORY
DRIVER AND VEHICLE INSURANCE PREMIUMS

Introduction

By this Order, the Public Utilities Board (Board) approves the application of the Consumers' Association of Canada (Manitoba) Inc. (CAC) for a cost award of \$127,881.61 with respect to the recently concluded Board hearing of Manitoba Public Insurance's (MPI) application for 2012/13 Compulsory Basic Driver and Vehicle Insurance Premiums.

Application

The Board held a public hearing of MPI's application at the Board's offices in Winnipeg in October 2011 with final argument on November 1, 2011. Several interested parties, including CAC, intervened.

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 four main criteria assisting it in determining whether costs should be awarded to an Intervener. The Notice of Public Hearing for MPI's application advised as to the Board's cost award guidelines.

Pursuant to the Board's Rules and following the hearing, CAC/MSOS applied for an award of costs in the amount of \$127,881.61, comprised of:

Legal Fees		\$36,385.00
Disbursements (including GST)		<u>\$ 1,351.61</u>
Total Legal		\$37,736.61

Consultants		
Econalysis Consulting	\$19,950.00	
Andrea Sherry Consulting Services	\$31,625.00	
PRD Consulting	<u>\$38,570.00</u>	
	<u>\$90,145.00</u>	<u>\$90,145.00</u>

Total Claim		\$127,881.61
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CAC's application is within its initial budget, which forecast a cost application between \$119,850.00 and \$134,290.00. CAC argued that the costs "were reasonable and prudent given the complexity added to the hearing by the Board's decision to request the oral evidence of the Corporation's external actuary and external auditor". The bill for the actuarial expert engaged by CAC amounted to \$31,625.00, compared to an original estimate of \$10,000.00.

MPI did not oppose CAC's application for costs in the requested amount of \$127,881.61. The Corporation agrees that CAC has a substantial interest in the outcome of the GRA proceedings. MPI took the position that CAC could be more vigorous and careful in preventing duplication when preparing Information Requests.

BOARD FINDINGS

The Board is satisfied with CAC's participation in and contribution to the proceeding, and finds that CAC qualifies for an award of costs.

CAC contributed to the Board's understanding of aspects of the application, acted cooperatively with the other parties through the proceeding, and provided a concise argument at the conclusion of the hearing.

Accordingly, the Board will grant CAC's request.

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. Consumers' Association of Canada (Manitoba) Inc. BE AND IS HEREBY awarded costs of \$127,881.61 with respect to its intervention at the Manitoba Public Insurance Corporation's 2012/13 Compulsory Driver and Vehicle Insurance Premiums hearing.
2. Costs shall be payable by the Manitoba Public Insurance Corporation within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"SUSAN PROVEN, P.H.EC."
Acting Chairman

"H. M. SINGH"
Secretary

Certified a true copy of
Order No. 30/12 issued by The
Public Utilities Board

Secretary