

MANITOBA) Order No. 27/16
)
THE PUBLIC UTILITIES BOARD ACT) February 29, 2016

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

**AWARD OF COSTS: BIKE WINNIPEG - INTERVENTION IN
MANITOBA PUBLIC INSURANCE CORPORATION'S
GENERAL RATE APPLICATION FOR THE 2016/17 INSURANCE YEAR**

Introduction

By this Order, the Public Utilities Board (Board) approves Bike Winnipeg's (BW) application for a cost award of \$25,797.25.

The award relates to BW's intervention in the General Rate Application of Manitoba Public Insurance (MPI) with respect to Compulsory Driver and Vehicle Insurance Premiums for the 2016/17 rate year.

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, BW applied for an award of costs in the amount of \$25,797.25 as outlined below:

Fees (legal)	\$22,420.00
Disbursements	\$463.25
GST	\$1,121.00
RST	\$1,793.00
Total	<u>\$25,797.25</u>

MPI by way of letter dated February 02, 2016 objected to BW's request. BW by way of letter dated February 10, 2016 presented a rebuttal to MPI's objection. These correspondences were reviewed by the panel and taken into account when arriving at its decision.

Procedural order No. 64/15 approved BW's intervention budget in the range of \$14,330.00 to \$26,320.00 before tax, inclusive of fees and disbursements.

Along with its rebuttal, BW submitted a supplemental bill of costs for legal fees and disbursements in the amount of \$1915.28 for the time spent in providing supplemental information requested by and for the time spent preparing the rebuttal to MPI's objection.

BOARD FINDINGS

The Board carefully considered the positions of both MPI and BW with respect to the role BW performed throughout the GRA process. The Board finds that BW did adequately and responsibly participate in the IR's, presentation, cross-examination(s) in an acceptable manner thus meeting the tests as identified in Section 56 of the PUBA. The Board finds that MPI questioned the initial BW submission for costs, because it deemed the submission inadequate and more detail was required in order to give it proper consideration. It is not the Board's practice to award supplemental costs to

prepare a rebuttal. The Board is of the view that parties seeking an award of costs bear the responsibility of submitting an application that is complete and robust enough to withstand a challenge to an award of costs. Supplemental costs might be considered in cases where the applicant's rebuttal is without merit. The Board is of the view that a finding that the objection was without merit does not apply in this case. As such, the request by BW for a supplemental award of costs resulting from responding the MPI objection is denied.

The Board is satisfied with BW's contribution to the proceeding and finds that BW qualifies for an award of costs. The Board further finds that BW meets the criteria for a cost award, having provided a contribution to the Board's understanding, having acted cooperatively with the other parties to the proceeding, having provided a concise argument at the conclusion of the hearing, and requiring a cost award to be able to intervene.

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. Bike Winnipeg **BE AND IS HEREBY** awarded costs of \$25,797.25.
2. Costs shall be payable by the Manitoba Public Insurance Corporation within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"Karen Botting, B.A., B.Ed., M.Ed."
Acting Chair

"Darren Christle MPA, BA, CCLP, P.Log, MCIT"
Secretary

Certified a true copy of Order No. 27/16
issued by The Public Utilities Board

Secretary