

Order No. 34/16

**AWARD OF COSTS: CONSUMERS' ASSOCIATION OF CANADA (MANITOBA) INC.
INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION'S
GENERAL RATE APPLICATION FOR THE 2016/17 INSURANCE YEAR**

March 15, 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

Introduction

By this Order, the Public Utilities Board (Board) approves the Consumers' Association of Canada (Manitoba) Inc. (CAC) application for a cost award of \$132,970.66.

The award relates to CAC'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, CAC applied for an award of costs in the amount of \$132,970.66 as outlined below:

Legal Fees	\$45,561.60
Disbursements (including GST)	<u>\$ 4,021.56</u>
Total Legal	\$49,583.16

Consultants

Andrea Sherry	\$34,187.50	
Wayne Simpson	\$8,250.00	
Peter Dyck	<u>\$40,950.00</u>	
Total Consultants	\$83,387.50	<u>\$83,387.50</u>

Total Claim **\$132,970.66**

MPI by way of letter dated March 11, 2016 stated that they have no representation to make on the request for costs filed on behalf of CAC.

Procedural order No. 64/15 approved CAC's intervention estimated budget of \$126,667.50 before tax, inclusive of fees and disbursements. CAC Manitoba costs claim is \$6,303.16 in excess of the estimate provided in June 2015. These variations reflect additional expenses incurred as a result requiring additional expert witness testimony relating to risk analysis and the Rate Stabilization Reserve (RSR), in addition to the concurrent evidence panel.

BOARD FINDINGS

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

CAC 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. The Consumers' Association of Canada (Manitoba) Inc. **BE AND IS HEREBY** awarded costs of \$132,970.66.
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. 34/16
issued by The Public Utilities Board

Secretary