

Order No. 6/19

**AWARD OF COSTS: COALITION OF MANITOBA MOTORCYCLE GROUPS INC. -
INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION'S
GENERAL RATE APPLICATION FOR THE 2019/20 INSURANCE YEAR**

January 4, 2019

BEFORE: Robert Gabor, Q.C. Chair
Carol Hainsworth, C.B.A., Member
Robert Vandewater, B.A., FCSI, C.P.A.(Hons.), KStJ., CD, Member
Irene Hamilton, LLB, Member

1.0 Introduction

By this Order, the Public Utilities Board (Board) approves the Coalition of Manitoba Motorcycle Groups Inc.'s (CMMG) Application for a cost award of \$49,351.95.

The award relates to CMMG's intervention in the General Rate Application of Manitoba Public Insurance (MPI) with respect to Compulsory Driver and Vehicle Insurance Premiums for the 2019/20 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 which 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 process 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, CMMG applied for an award of costs in the amount of \$49,351.95 as outlined below:

Fees (legal)	\$43,377.00
Disbursements	\$304.50
GST	\$2,168.85
PST	<u>\$3,501.60</u>
Total	<u>\$49,351.95</u>

MPI, by way of letter dated December 24, 2018, stated that it did not oppose the CMMG's application for costs; however, it noted concerns with respect to non-filing of certain documentation as required in the procedural order.

In response to MPI's letter dated December 27, 2018, CMMG argued that particular non-compliance issues applied to both CMMG and the applicant. Additionally, CMMG argued that its intervention was necessary in the Panel determining the fiscal health of the applicant and the impact of the requested rate increase on a major class of rate payers.

The CMMG cost intervention claim is \$49,351.95, which is \$4,962.45 less than its proposed budget at the pre-hearing conference.

BOARD FINDINGS

The Board finds that CMMG examined the issues for which its intervention was approved in Board Order 82/18, following the pre-hearing conference, and its intervention at the hearing assisted the Board in its determination.

The Board finds that CMMG:

- (i). required a cost award to be able to intervene;
- (ii). acted cooperatively with the other parties throughout the hearing process; and
- (iii). provided a concise argument at the conclusion of the hearing.

Based on the findings in this section, CMMG qualifies for an order for costs.

IT IS THEREFORE ORDERED THAT:

1. The Coalition of Manitoba Motorcycle Groups Inc. **BE AND IS HEREBY** awarded costs of \$49,351.95.
2. Costs shall be payable by the Manitoba Public Insurance Corporation within 30 days of the date of this Order.
3. In all future hearings, the CMMG will notify the Public Utilities Board in writing if its intervener cost estimate is anticipated to exceed approved estimate by more than 10% and provide an explanation and request for approval for the additional amount.

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.

THE PUBLIC UTILITIES BOARD

"Robert Gabor, QC."

Chair

"Darren Christle MPA, BA, CCLP, P.Log, MCIT (Ph. D. Candidate)"

Secretary

Certified a true copy of Order No. 6/19
issued by The Public Utilities Board



Secretary