

Order No. 127/22

**AWARD OF COSTS: CONSUMERS ASSOCIATION OF CANADA (MANITOBA) INC.–
INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION'S REVIEW and
VARY FOR THE 2022/23 INSURANCE YEAR**

December 2, 2022

BEFORE: Irene A. Hamilton, K.C., Panel Chair
Robert Gabor, K.C., Board Chair

Table of Contents

1.0 Introduction..... 3

2.0 Application..... 3

3.0 Manitoba Public Insurance Comments..... 5

4.0 Board Findings 5

5.0 IT IS THEREFORE ORDERED THAT: 6

1.0 Introduction

By this Order, the Public Utilities Board (Board) approves The Consumers Association of Canada's (CAC) Application for a cost award of \$5,452.10.

The award relates to CAC's intervention in the Review and Vary Application of Manitoba Public Insurance (MPI) with respect to Compulsory Driver and Vehicle Insurance Premiums for the 2022/23 rate year (R&V 2022/23).

2.0 Application

On March 18, 2022, The Consumers Association of Canada, filed with the Board an Application for an Award of Costs for its intervention in the R&V 2022/23.

Pursuant to Section 56 of *The Public Utilities Board Act*, the Board has jurisdiction to award costs of, and incidental to, any proceeding before the Board. For the purpose of this hearing, the Board adopted an Interim Intervener Costs Policy. The purpose of this Policy was to set out the Board's procedures for considering requests for Intervener costs and to provide guidance to Interveners on how to apply for funding of costs for participation in Board Proceedings.

Sections 3.1 and 3.2 of the Intervener Costs Policy describes Intervener eligibility for a cost award and the Board's principles in determining the amount of the cost award:

3.1 *In any proceeding the Board may award costs to be paid to any Intervener who has:*

- (a) *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;*

- (b) *participated in the hearing in a responsible manner and cooperated with other Interveners who have common objectives in the outcome of the proceedings in order to avoid a duplication of intervention;*
- (c) *represented interests beyond their sole business interest; and*
- (d) *a substantial interest in the outcome of the proceeding and represents the interests of a substantial number of ratepayers.*

3.2 In determining whether the Intervener should receive the amount of costs sought in a costs application, the Board may consider whether the Intervener did one or more of the following:

- (a) *made reasonable efforts to ensure that the intervener's evidence was not unduly repetitive of evidence presented by another intervener;*
- (b) *made reasonable efforts to cooperate with other interveners to reduce the duplication of evidence and questions or to combine the intervener's submission with that of similarly interested interveners; and*
- (c) *needed legal or technical assistance to take part in the proceeding;*

CAC's Cost Application was supported by detailed invoices and a written submission describing CAC's participation in the R&V 2022/23.

On April 11, 2022, CAC filed a revised Cost Application. The revised Cost Application was supported by statements of accounts as summarized below:

		Cost Application Total
Legal Costs	(K. Dilay)	\$2,937.60
	(C. Klassen)	\$2,514.50
TOTAL COSTS		\$5,452.10

3.0 Manitoba Public Insurance's Comments

On March 28, 2022, MPI filed its response to the Cost Application of the CAC. MPI noted the costs were higher than those of other interveners, and that a portion of the legal costs claimed appeared to relate to the Application to Review and Vary filed by Insurance Brokers Association of Manitoba (IBAM), by which Board Order No. 20/22 ordered parties to bear their own costs. MPI submitted that a substantial portion of the CAC intervention dealt with issues that were not relevant to the R&V 2022/23 and were of no assistance to the Board in terms of resolving the Application.

On April 11, 2022, CAC filed its reply, including revised attachments reflecting a reduction of two hours of legal fees spent on the IBAM issue as noted by MPI.

4.0 Board Findings

The Board has reviewed the Cost Application by CAC, as well as the comments provided by MPI. The Board finds that CAC meets all of the requirements for a cost award. The Board further finds that the costs incurred by CAC are reasonable and the Board is prepared to award an amount of \$5,452.10 for CAC's intervention MPI's Review and Vary Application with respect to Compulsory Driver and Vehicle Insurance Premiums for the 2022/23 rate year.

5.0 IT IS THEREFORE ORDERED THAT:

1. The Application of Consumers Association of Canada (Manitoba) Inc. for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$5,452.10.
2. Manitoba Public Insurance is to pay the Consumers Association of Canada (Manitoba) Inc. within 15 days of the date of this Order.

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. The Board's Rules may be viewed on the Board's website at www.pubmanitoba.ca

THE PUBLIC UTILITIES BOARD

"Irene Hamilton, K.C."

Panel Chair

"Darren Christle, PhD, CCLP, P.Log., MCIT"

Secretary

Certified a true copy of Order 127/22
issued by the Public Utilities Board



Secretary