

Order No. 33/24

**AWARD OF COSTS: MANITOBA BRANCH OF THE CONSUMERS' ASSOCIATION
OF CANADA INTERVENTION IN MANITOBA PUBLIC INSURANCE CORPORATION'S
GENERAL RATE APPLICATION FOR THE 2024/25 INSURANCE YEAR**

March 7, 2024

BEFORE: Irene A. Hamilton, K.C., Panel Chair
Robert Gabor, K.C., Board Chair,
George Bass, K.C., ICD. D., Panel Member
Susan Nemec, FCPA, FCA, Panel Member
Susan Boulter, Panel Member

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1.0 Introduction

By this Order, the Public Utilities Board (Board) approves the Manitoba Branch of the Consumers' Association of Canada's (CAC) Application for a cost award of \$337,211.13.

The award relates to CAC's intervention in the General Rate Application (GRA) of Manitoba Public Insurance (MPI) with respect to Compulsory Driver and Vehicle Insurance Premiums for the 2024/25 rate year and the Review and Vary Application (R&V) of MPI with respect to PUB Board Order No. 145/23.

2.0 Application

On December 15, 2023, the Manitoba Branch of the Consumers' Association of Canada filed with the Board an Application for an Award of Costs for its intervention in the Manitoba Public Insurance 2024/25 General Rate Application. On February 26, 2024 the CAC filed with the Board an Application for an Award of Costs for its intervention in the R&V application.

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 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;*

In June 2023, CAC filed an Application for Intervener status with the Board. The Board awarded CAC Intervener status on July 5, 2023 in Board Order 77/23. Included in the Board's Order was an issues list deemed by the Board as applicable to all parties for this proceeding.

On June 28, 2023 the CAC filed an initial budget with the Board. On October 11, 2023, CAC filed an amended projected budget with the Board. Board staff acknowledged receipt of the budgets.

On December 15, 2023, CAC filed its Cost Application for its participation in Manitoba Public Insurance's 2024/25 General Rate Application. On February 26, 2024, CAC filed its Cost Application relating to the R&V.

The Cost Applications were supported by statements of accounts as summarized below:

| GRA and R&V | Budget Total* | Cost Application Total |
|-----------------------------------|----------------------|-------------------------------|
| Legal Costs (B. Williams) | \$85,800.00 | \$0 |
| (K. Dilay) | \$0 | \$51,628.50 |
| (C. Klassen) | \$0 | \$36,862.10 |
| (V. Cloutis) | \$0 | \$0 |
| | | |
| Consultant Costs (P. Dyck) | \$78,400.00 | \$79,503.20 |
| (P. Elliott / R. Sahasrabuddhe) | \$78,525.00 | \$73,507.50 |
| (S. Greenlay) | \$62,216.00 | \$63,840.00 |
| (V. Viola) | \$14,000.00 | \$13,895.00 |
| | | |
| Disbursements | \$13,255.63 | \$17,974.83 |
| | | |
| Taxes | \$0 | \$0 |
| TOTAL COSTS | \$332,196.63 | \$337,211.13 |

**reflects amended October 11, 2023 budget*

CAC's Cost Applications were supported by detailed invoices and a written submission describing CAC's participation.

3.0 Manitoba Public Insurance's Comments

On February 1, 2024 and March 1, 2024, Manitoba Public Insurance provided its comments regarding CAC's GRA and R&V Cost Applications. MPI did not oppose the total costs of \$337,211.13 related to CAC's intervention.

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 \$337,211.13 for CAC's intervention in the Board's review of Manitoba Public Insurance's 2024/25 GRA and R&V.

5.0 IT IS THEREFORE ORDERED THAT:

1. The Application of the Manitoba Branch of the Consumers' Association of Canada for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$337,211.13.
2. Manitoba Public Insurance pay the Manitoba Branch of the Consumers' Association of Canada 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

"Jennifer Dubois, CPA, CMA"

Assistant Associate Secretary

Certified a true copy of Order 33/24
issued by the Public Utilities Board



Assistant Associate Secretary