

MANITOBA) **Order No. 145/14**
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THE PUBLIC UTILITIES BOARD ACT) **December 24, 2014**

Before: Régis Gosselin, B ès Arts, MBA, CGA, Chair
Dr. Hugh Grant, Ph.D. (Economics)
Richard Bel, B.A., M.A., M.Sc.
Marilyn Kapitany, B.Sc. Honours, M.Sc.

**VARIATION OF ORDER 132/14 WITH RESPECT TO AWARD OF COSTS:
MANITOBA METIS FEDERATION (MMF)**

**THE PUBLIC UTILITIES BOARD'S "NEEDS FOR AND ALTERNATIVES TO" (NFAT)
REVIEW OF MANITOBA HYDRO'S PREFERRED DEVELOPMENT PLAN
TO CONSTRUCT THE KEEYASK AND CONAWAPA GENERATING STATIONS
AND ASSOCIATED TRANSMISSION FACILITIES**

Background

On July 4, 2014 the Public Utilities Board (Board) issued Order No. 132/14 (Order) with respect to the award of costs for the Manitoba Métis Federation (MMF) in the intervention in The Public Utilities Board “NEEDS FOR AND ALTERNATIVE TO” Review of Manitoba Hydro’s (MH) Preferred Development Plan which resulted in the Board issuing a report to the Minister responsible for The Public Utilities Board dated June 20, 2014.

MMF’s cost request dated August 15, 2014 included statements of account from Myers Weinberg, a legal firm that provided advice to MMF.

With respect to the invoices of Myers Weinberg amounting to \$201,545.20, the Board was not persuaded that any amounts above the approved amount of \$196,662.00 should be allowed. The Board did not disallow any amounts from the budget approved on a preliminary basis and granted an award of \$196,662.00.

On December 17 2014, the Board was advised that Myers Weinberg had inadvertently failed to include the provincial sales tax payable on its statement of account. This incremental amount totalled \$11,627.93.

Manitoba Hydro did not object to the payment of this incremental amount.

Board Findings

Pursuant to the Board's Rules of Practice and Procedure, and in particular subsections 36(1) and 40(2) thereof the Board may, on its own initiative, review, rescind, change, alter or vary any decision or Order that it has made. The Board's jurisdiction in this regard flows from section 44(3) of *The Public Utilities Board Act*.

The Board concludes that the failure to include the provincial sales tax payable was inadvertent. It agrees to amend Order 132/14 to reflect a change the award of costs for the legal services provided by Myers Weinberg from \$ 196,662.00 to \$208,289.93 to includes the PST payable and directs MH to make payment of the incremental amount.

Board decisions may be appealed in accordance with the provisions of section 58 of *The Public Utilities Board Act*. The procedural rules applicable to the Board's review of its decisions are reflected in the Board's Rules of Practice and Procedure, which may be viewed on the Board's website, www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. Order 132/14 is hereby amended to reflect an award of costs for the services of Myers Weinberg to \$208,289.93.

THE PUBLIC UTILITIES BOARD

“Régis Gosselin, B ès Arts, MBA, CGA”
Chair

“Jennifer Dubois, CMA”
Acting Secretary

Certified a true copy of Order No.
145/14 issued by The Public Utilities
Board

Acting Secretary