

MANITOBA) Order No. 125/02
)
THE PUBLIC UTILITIES BOARD ACT) July 3, 2002

BEFORE: G. D. Forrest, Chairman
M. Santos, Member
M. Girouard, Member

**APPLICATION BY THE CONSUMERS' ASSOCIATION OF
CANADA (MANITOBA) INC. AND MANITOBA SOCIETY OF
SENIORS FOR AN AWARD OF COSTS WITH REFERENCE
TO PARTICIPATING IN THE MATTER OF CENTRA GAS
MANITOBA INC. 2001/02 GENERAL RATE APPLICATION
AND SUBSEQUENT MOTIONS TO VARY**

The Public Utilities Board (the "Board") held a Pre-Hearing Conference on January 16, 2001 on the matter of a General Rate Application ("GRA") filed on January 4, 2001 by Centra Gas Manitoba Inc.'s ("Centra"). The Board issued Order No. 14/01 ordering Centra inter alia to provide additional minimum filing.

Centra indicated its desire to withdraw the Application. The Board invited and received submissions from parties to the matter including the Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors ("CAC/MSOS") and subsequently issued Board Order No. 106/01 in support of a continued GRA for the

fiscal year 2002/03.

Centra in July 2001 requested an amendment to Board Order No. 106/01. CAC/MSOS provided written argument in response to Centra's request in September 2001, and did so again in October 2001 concerning further delays in proceeding with the 2002/03 GRA.

The Board issued Order No. 168/01 on October 30, 2001 allowing for a further extension of the timetable as set out in Order No. 106/01. Centra submitted an Application to vary Order No. 168/01 on February 8, 2002.

A hearing was held on February 27, 2002 to consider this Application and the Board issued Order No. 44/02 in March 2002 granting Centra's Application allowing for the filing of a GRA for the test year 2003/04 by December 1, 2002.

The Applicant

Counsel for CAC/MSOS (the "Applicant") forwarded a written submission to the Board as to costs pursuant to all of the above matters by way of letter dated May 6, 2002. The Applicant filed the appropriate hearing and summary sheets. The total claim for costs is \$29,063.25, comprised of professional fees of \$24,781.00, disbursements of \$2,381.35 and GST of \$1,900.90.

The Applicant noted that the proceedings spanned almost a year and a half, with four Board Orders, including two public hearings and numerous written submissions and generated significant time and effort on behalf of CAC/MSOS. The Applicant submitted that "given the fact that the costs have been incurred in connection with four Board Orders, it is entirely appropriate for our submission as to costs to be rendered at this time.

The Applicant submitted that there was no duplication. The Applicant also noted its lack of financial resources and substantial interest in the process and the outcome of the proceedings.

The Applicant requested that an Order as to costs be rendered as soon as possible with an Order for Centra to pay within 15 days.

By letter dated May 24, 2002, Centra provided its comments with respect to the Application.

Centra submitted that "there is some time which is not appropriately allocated to this matter". Specifically:

1. 4.5 hours (\$1,125) charged in the year preceding the filing of the Application, including review of integration articles;
2. 6.0 hours (\$1,500) related to the issue of Capacity Management with respect to the 2001/02 Cost of Gas Hearing;
3. calls and letters between November 1 and November 20, 2001 to experts and a meeting with Byron Williams (\$900) regarding the division of work on the Hydro GRA;
4. 0.7 hours (\$88) charged on January 2, 2002 to review the KPMG report, which is an integration matter.

Centra noted that other than the above noted, totalling \$3,613, Centra had no further comments on the Application other than to note that the standard practice and procedure for payment of accounts is 30 days.

By way of letter dated June 21, 2002 the Applicant responded to the four points noted in Centra's submission.

- 1) The Applicant submitted that the hours may have preceded the Application but were done in connection with the anticipated filing and noted that work related matters on the GRA do not start simply on the filing of the Application. The Applicant continued the request for \$1,125.
- 2) The Applicant agreed with Centra's submission on this item noting that the work was done and posted to the wrong file and so never claimed. The Applicant noted that an amendment to the 2001 Cost of Gas award would not be sought and left it to the Board to determine if this cost of \$1,500 should be recognized.
- 3) The Applicant partly agreed with Centra's submission indicating that \$575 was posted to the wrong file and asked for an amount of \$325 only to be recognized.
- 4) The Applicant agreed with Centra's submission on removing the claim for \$88.

The Applicant resubmitted the account indicating total costs of \$28,354.37 consisting of professional fees of \$24,118.50, disbursements of \$2,381.35 and GST of \$1,854.52.

BOARD COMMENTS

The Applicant is well known to the Board as an intervenor on matters relating to Centra. The Board is satisfied that the Applicant has insufficient financial resources to present its case adequately without an award of costs. The Applicant represents a group which has a substantial interest in the outcome of the proceedings.

The Board accepts the Applicant's submission on item 1 and will allow for the inclusion of the costs amounting to \$1,125.

On the matter of item 2, the Board notes that this Applicant has appeared before the Board on Centra's matters for many years. The Board is sensitive to the matter of proper record keeping but given the financial position of the Applicant and the history and frequency with which this Applicant has appeared before the Board will allow the inclusion of the cost of \$1,500 although it was incurred in another Centra matter before the Board but was unclaimed.

On the matter of item 3, the Board will accept the position of Centra and the Applicant and allow for a cost of only \$375.

On the matter of item 4, the Board will accept Centra and the Applicant's position and remove the costs of \$88.

The Board recognizes the contribution made by this Intervenor to the process and will allow the request in full as resubmitted, in the amount of \$28,354.37. Noting that this matter

extended over a considerable time, the Board will order payment within 15 days.

IT IS THEREFORE ORDERED THAT:

1. The Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors' application for an award of costs be allowed in the amount of \$28,354.37.
2. The costs shall be payable by Centra Gas Manitoba Inc. within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"G. D. FORREST"
Chairman

"H. M. SINGH"
Acting Secretary

Certified a true copy of Order
No. 125/02 issued by The Public
Utilities Board

Acting Secretary