

MANITOBA) Order No. 5/10
)
THE PUBLIC UTILITIES BOARD ACT) January 13, 2010

BEFORE: Graham Lane, C.A., Chairman
Robert Mayer, Q.C., Vice-Chairman
Kathi Avery Kinev, M.S.W., Ph.D.

APPLICATION BY CONSUMERS' ASSOCIATION OF CANADA
(MANITOBA) INC./MANITOBA SOCIETY OF SENIORS FOR AN
AWARD OF COSTS (HEARING ON MANITOBA HYDRO'S RATES
FOR COMMUNITIES SERVED BY DIESEL GENERATION)

Introduction

By this Order, the Public Utilities Board (Board) approves an application for an award of costs of \$11,167.25 by the Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors (CAC/MSOS).

The award is with respect to CAC/MSOS' participation in the recent public hearing regarding rates for the four northern communities served by diesel generated electrical power.

Application

The Board held a special public hearing to examine Manitoba Hydro's (MH) costs and rates for service to the four communities relying on diesel generation for electricity: Barren Lands First Nation (Brochet), Northlands Dene First Nation (Lac Brochet), Sayisi First Nation (Tadoule Lake) Shamattawa First Nation (Shamattawa).

Pursuant to Section 56 of *The Public Utilities Board Act*, the Board has jurisdiction to award costs, and the Board's Rules of Practice and Procedure (Rules) stipulate four criteria for the determination of whether costs should be awarded, those being whether an Intervener:

1. made a significant contribution relevant to the proceeding, and contributed to a better understanding by all parties of the issues before the Board;
2. participated in the hearing in a responsible manner and cooperated with other Interveners with common objectives to avoid duplication of intervention;
3. had insufficient financial resources to present the case adequately without an award of costs; and

4. had a substantial interest in the outcome of the proceeding, and represented the interests of a substantial number of MH's customers.

CAC/MSOS applied to the Board for an award of costs comprising:

Legal

Fees \$8,915.00

Disbursements 171.00

Econalysis Consulting

Professional fees 2,081.25

Total Claim \$11,167.25

In its application, CAC/MSOS asserted it had met the Board's criteria and, further, explained that while Mr. Harper, working for Econalysis Consulting Services, had not appeared at the hearing itself, his assistance in preparing CAC/MSOS for the hearing was invaluable in helping CAC/MSOS Counsel understand the issues and make best use of the limited hearing time.

CAC/MSOS further represented that its participation and contribution was reasonable, and that although it did not have enough information to make a concrete recommendation, its submissions were sufficient to assist the Board.

CAC/MSOS further asserted that it had sufficient interest in the outcome of the proceeding (as consumer representatives), and that their costs were reasonably and necessarily incurred. Finally, CAC/MSOS reiterated that it would be unable to adequately participate in the proceeding without the assistance of a cost award.

MH did not object to an award of costs for CAC/MSOS.

Board Findings

CAC/MSOS meets the Board's criteria for an award of costs.

CAC/MSOS' contribution was thoughtful and assisted the Board in developing its understanding of the issues involved, those related to the provision of electrical service to diesel-generation communities.

Accordingly, the Board accepts CAC/MSOS' application and will award costs as requested.

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.

IT IS THEREFORE ORDERED THAT:

1. Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors be awarded costs in the amount of \$11,167.25.
2. Costs shall be payable by Manitoba Hydro within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"GRAHAM F. J. LANE, CA"
Chairman

"H. M. SINGH"
Acting Secretary

Certified a true copy of
Order No. 5/10 issued by The
Public Utilities Board

Acting Secretary