

M A N I T O B A) Order No. 68/14
)
THE PUBLIC UTILITIES BOARD ACT) June 19, 2014

BEFORE: Susan Proven, P.H.Ec., Acting Chair
The Hon. Anita Neville, P.C., B.A. (Hons.), Member

VILLAGE OF WINNIPEGOSIS
MR. DOUG CLARKSON
APPLICATION TO REVIEW AND VARY BOARD ORDER No. 54/14

Executive Summary

The Public Utilities Board (Board) hereby denies Mr. Doug Clarkson's application to have Board Order No. 54/14 reviewed and varied.

Background

On May 15, 2014 the Board issued Board Order No. 54/14. The fundamental issue was a dispute between the Village of Winnipegosis (Village) and Mr. Clarkson regarding his utility billing for the quarter ending April 30, 2013; his account was charged \$772.03 for an actual reading showing consumption of 37,200 gallons. Mr. Clarkson disputed the level of consumption and has refused to pay the bill for this quarter.

After following the conditions precedent for disconnection for non-payment, set by Board Order Nos. 127/08 and 39/09, the Village notified Mr. Clarkson that if payment was not made by March 28, 2014 they would be disconnecting his water supply on March 31, 2014.

Mr. Clarkson contacted the Board and faxed an appeal of the disconnection for non-payment to the Board on March 31, 2014. On Board Order No. 54/14, the Board found that the Village had complied with Board Order Nos. 127/08 and 39/09, *Conditions Precedent Allowing for Collection and Disconnection of Water and/or Sewer Services for Non-Payment of Accounts'* (Conditions Precedent).

Upon receipt of Board Order No. 54/14, Mr. Clarkson notified the Board of his intention to file an application to request that the Board review the decision in the Order.

On June 13, 2014 the Board received a fax from Mr. Clarkson requesting the review; section 36 of the Board's Rules of Practice and Procedure states:

The Board shall determine, with or without a hearing, in respect of an application for review, the preliminary question of whether the matter should be reviewed and whether there is reason to believe the Order or decision should be rescinded, changed, altered or varied.

The Board considered the decision in Order No. 54/14, Mr. Clarkson's application for review, and the Rules of Practice and Procedure, and found that there were no new facts that were not available to the Board at the time of the original decision, error of law, jurisdiction or fact that would compel the Board to review Board Order No. 54/14.

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.pub.gov.mb.ca

IT IS THEREFORE ORDERED THAT:

1. Mr. Doug Clarkson's application to the Public Utilities Board requesting a review and vary of Board Order No. 54/14 is HEREBY DENIED.

Fees payable upon this Order by Mr. Doug Clarkson have been waived at the discretion of the Board.

THE PUBLIC UTILITIES BOARD

"Susan Proven, P.H.Ec."
Acting Chair

"Jennifer Dubois, CMA"
Acting Secretary