

M A N I T O B A) **Order No. 147/13**
)
THE PUBLIC UTILITIES BOARD ACT) **December 5, 2013**

Before: Régis Gosselin, B ès Arts, MBA, CGA, Chair
Marilyn Kapitany, B.Sc., Hon., M.Sc., Member
Larry Soldier, Member

PROCEDURAL ORDER AND INTERVENER STATUS ORDER
APPLICATION FOR APPROVAL TO SELL THE ASSETS OF
SWAN VALLEY GAS CORPORATION TO CENTRA GAS MANITOBA INC.

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EXECUTIVE SUMMARY

This procedural Order relates to an Application by Swan Valley Gas Corporation (SVGC) to sell its assets to Centra Gas Manitoba Inc. (Centra) and an Application by Centra to Acquire SVGC's assets. By this Order, the Public Utilities Board (Board):

- (a) grants intervener status to the Consumers' Association of Canada (Manitoba) Inc. (CAC); and
- (b) fixes a timetable and process for the review.

BACKGROUND

On November 1, 2013, SVGC filed an Application to sell its assets to Centra. On November 4, 2013, Centra filed an Application to acquire the assets of SVGC. As directed by the Board, SVGC and Centra published the Board's "Notice of Application" dated November 12, 2013 in respect of these applications. The Notice of Application was also provided to registered interveners of recent Centra proceedings before the Board. The Notice required that those seeking Intervener status were to notify the Board on or before November 29, 2013.

As of November 29, 2013 CAC was the only party to file a request seeking Intervener status.

INTERVENER APPLICATIONS

Consumers' Association of Canada (Manitoba) Inc. (CAC)

CAC has a long history of representing consumers at Board regulatory proceedings for the purpose of testing the fairness and impacts of Centra's rate requests and other applications. CAC indicated its interest to participate throughout the proceeding, submit evidence, test evidence, and make final argument. CAC does not intend to call expert witnesses to testify.

CAC advised that it intended to apply for costs, but has yet to propose a budget.

BOARD FINDINGS

Intervener Status and Intervener Costs

The Board accepts CAC's application for Intervener status. The Board notes that CAC has participated responsibly in previous Board proceedings and expects this will continue to be the case in the review of these Applications.

The Board expects CAC to submit a budget for its intervention by December 13, 2013. The Board reserves its discretion as to accepting and subsequently providing cost awards to CAC. The granting of a cost award by the Board is discretionary and dependent on the Board's view of how such an award would serve the public interest. Criteria used by the Board in its assessment of cost award applications, though not binding on the Board, are set out in the Board's Rules of Practice and Procedure, which may be found on the Board's website at www.pub.gov.mb.ca. In addition to the criteria, the Board reminds CAC as to limits with respect to the hourly rates charged by professionals and other assisting parties. Guidance in that respect is available from Board staff.

Because this application is unusual in that there are two applicants (SVGC and Centra) the Board requests that the applicants provide their positions with respect to the allocation of intervener costs between themselves.

Process

The Board is of the view that the matters related to the sale of SVGC's assets to Centra can be sufficiently canvassed through a paper-based process involving one round of Information Requests to the two utilities with no oral hearing. This would be followed by Intervener Submissions and Final Reply submissions from Centra and SVGC. The Board reserves the right to amend this process or call an oral public hearing in the future if, in the Boards view, it is in the public interest to do so.

TIMETABLE

The Board sets the timetable for the exchange of information as contained in Schedule "A" attached to this Order. Given the Board's current scheduling requirements, the Board would like to have all evidence filed with the Board from Parties by January 31, 2014.

IT IS THEREFORE ORDERED THAT:

1. The intervener to this proceeding shall be the Consumers' Association of Canada (Manitoba) Inc.
2. Schedule "A" attached shall be the Timetable for the orderly exchange of information by the participating parties in respect of the sale of SVGC's assets to Centra Gas Manitoba Inc.

PUB 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 PUB's Rules of Practice and Procedure (Rules). The PUB's Rules may be viewed on the PUB's website at www.pub.gov.mb.ca.

THE PUBLIC UTILITIES BOARD

"Régis Gosselin, B ès Art, MBA, CGA"
Chair

"Kurt Simonsen, P. Eng."
Associate Secretary

Certified a true copy of Order No. 147/13
issued by the Public Utilities Board

Associate Secretary

SCHEDULE "A"

TIMETABLE

**APPLICATION FOR APPROVAL TO SELL THE ASSETS OF
SWAN VALLEY GAS CORPORATION TO CENTRA GAS MANITOBA INC.**

Action Item	Due
SVGC Files Application For Sale of Its Assets to Centra	Friday, November 1, 2013
Centra Files Application to Purchase SVGC's Assets	Monday, November 4, 2013
PUB Approval of the Public Notice	Tuesday, November 12, 2013
Interested Parties to Register for Intervener Status	Friday, November 29, 2013
Interveners to Submit Budgets	Thursday, December 13, 2013
Public Comments	Friday, December 13, 2013
Centra and SVGC in Receipt of Information Requests	Friday, December 20, 2013
Centra and SVGC to File Responses to Information Requests	Friday, January 17, 2014
All Parties in Receipt of Intervener Submissions	Friday, January 24, 2014
Centra and SVGC to File Final Reply Submissions	Friday, January 31, 2014