

**Order No. 101/18**

**AWARD OF COSTS TO  
MANITOBA KEEWATINOWI OKIMAKANAK  
FOR THEIR INTERVENTION IN THE  
MANITOBA HYDRO 2017/18 AND 2018/19 GENERAL RATE APPLICATION**

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**July 24, 2018**

BEFORE: Robert Gabor, Q.C., Chair  
Marilyn Kapitany, B.Sc., (Hon), M.Sc., Vice Chair  
Hugh Grant, Ph.D., Member  
Shawn McCutcheon, Member  
Sharon McKay, BGS, Member  
Larry Ring, Q.C., Member

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## 1.0 Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$110,000.00 to Manitoba Keewatinowi Okimakanak for their intervention in Manitoba Hydro's 2017/18 and 2018/19 General Rate Application.

## 2.0 Application

On June 1, 2018, Manitoba Keewatinowi Okimakanak (MKO) filed with the Board an Application for an Award of Costs for its intervention at the Manitoba Hydro 2017/18 and 2018/19 General Rate Application.

Pursuant to Section 56 of *The Public Utilities Board Act*, the Board has jurisdiction to award costs of, and incidental to, any proceeding. The Board's Rules of Practice and Procedure (Rules) stipulate the Board may award costs to be paid to an Intervener which has:

1. made a significant contribution that is 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 in the outcome of the proceedings in order to avoid a duplication of intervention;
3. insufficient financial resources to present the case adequately without an award of costs; and
4. a substantial interest in the outcome of the proceeding, and represents the interests of a substantial number of the ratepayers.

In Order 70/17 the Board found that the sufficiency of financial resources (point #3, above) would not be a factor in determining the cost awards in the General Rate Application, as the full Board was in the process of reviewing its rules and policies respecting interveners, including the factors to be considered for awarding costs.

The Board approved Intervener status to MKO in Procedural Order 70/17. In the same Order, the Board requested that all approved interveners file a budget proposal with the Board by July 14, 2017.

On July 13, 2017, MKO filed a budget proposal with the Board. On August 25, 2017, the Board provided its decision regarding intervener budgets. In the case of MKO, the Board reduced MKO's legal fee budget from a maximum of \$170,670 (inclusive of disbursements) to \$110,000 to reflect the approved scope of participation.

On June 1, 2018, MKO filed its Cost Application for its participation in Manitoba Hydro's 2017/18 and 2018/19 General Rate Application. The Cost Application was supported by statements of accounts as summarized below:

	<b>Budget Total*</b>	<b>Cost Application Total</b>
<b>Legal Costs</b>		
Fees	\$110,000.00	\$110,000.00
Disbursements	NIL	NIL
<b>TOTAL COSTS *</b>	<b>\$110,000.00</b>	<b>\$110,000.00</b>

\* Budget legal costs shown account for the Board's budget reduction of August 25, 2017.

### 3.0 Manitoba Hydro's Comments

On June 6, 2018 Manitoba Hydro provided its comments regarding MKO's Cost Application. Manitoba Hydro stated that MKO's Cost Application reflects the Board's budget amount and therefore has no comments on the request by MKO for the approval of fees.

### 4.0 Board Findings

The Board has reviewed the Cost Application by MKO, as well as the comments provided by Manitoba Hydro. The Board finds that MKO meets all of the requirements for a cost award. The Board further finds that the costs incurred by MKO are reasonable and the Board is prepared to accept them as filed in the Application for Costs.

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.pubmanitoba.ca](http://www.pubmanitoba.ca).

**5.0 IT IS THEREFORE ORDERED THAT:**

1. The Application of Manitoba Keewatinowi Okimakanak for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$110,000.00.
2. Costs be payable by Manitoba Hydro to George J. Orle Q.C. Legal Corporation, as representative of Manitoba Keewatinowi Okimakanak, within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"Robert Gabor, Q.C."  
Chair

"Darren Christle MPA, BA, CCLP, P.Log, MCIT"  
Secretary

Certified a true copy of Order No. 101/18  
issued by The Public Utilities Board



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Secretary