

MANITOBA) Order No. 109/07
)
THE PUBLIC UTILITIES BOARD ACT) August 20, 2007

BEFORE: Graham Lane, C.A., Chairman
Susan Proven, P.H.Ec., Member

CONSUMERS' ASSOCIATION OF CANADA (MANITOBA) INC./
MANITOBA SOCIETY OF SENIORS:
COST AWARD - STITTCO UTILITIES MAN LTD

Introduction

By this Order, the Public Utilities Board (Board) provides a cost award to the Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors (CAC/MSOS), with respect to an intervention in the Board's public hearing of an application by Stittco Utilities Man Ltd. (Stittco) for deregulation and revised propane rates.

The hearing was held in Thompson on March 14, 2007.

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 four criteria for determining whether costs should be awarded, the criteria being that the applicant for a cost award must have:

1. made a significant contribution that was relevant to the proceeding and contributed to a better understanding by all parties of the issues before the Board;
2. participated in a responsible manner and cooperated with other Interveners with common objectives in order to avoid a duplication of intervention;
3. had insufficient financial resources to participate in the proceeding 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 Stittco's customers.

In addition, the Board assesses applications considering other related matters, including the quantum of the claim, the nature and particulars of the underlying expenditures, hourly and per diem professional fee levels, and hours proposed to be charged.

Application

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

Legal Costs:

| | |
|--------------------------------|--------------------|
| Fees | \$11,550.00 |
| Disbursements | 1,440.13 |
| Consulting Costs | |
| Econalysis Consulting Services | |
| Fees | <u>6,650.00</u> |
| Total Claim | <u>\$19,640.13</u> |

The application was submitted on July 25, 2007.

CAC/MSOS noted that, out of deference to the Utility's relatively small size and revenue base, it was not seeking recovery of \$2,030.00 of incurred and additional legal fees. CAC/MSOS explained that its disbursements (\$1440.13 versus a budget of \$732.00) were primarily attributable to unexpected transcript costs.

CAC/MSOS' Representation

In support of its application, CAC/MSOS opined that its intervention had addressed matters of substantial interest to the Board, and that it met the Board's financial need and responsible and co-operative participation criteria.

In representing the interests of its combined membership, CAC/MSOS opined it had contributed to a better understanding of the issues before the Board by addressing, in particular, the following issues:

- a) advisability of rate deregulation
- b) revenue requirement, including taxation issues; and
- c) reasonableness of operating, maintenance and administration expenditures.

Stittco position

Stittco offered no comments.

Board Findings

CAC/MSOS met the criteria for an award, as set out in the Board's Rules.

CAC/MSOS had a substantial interest in the matters explored in its intervention, provided responsible and co-operative participation at the hearing, made a substantial contribution to

the proceedings and contributed to a better understanding of the matters by the Board.

IT IS THEREFORE ORDERED THAT:

1. Consumers' Association of Canada (Manitoba) Inc./
Manitoba Society of Seniors be awarded costs in the amount of \$19,640.13.
2. The award of \$19,640.13 be paid by Stittco Utilities Man Ltd. to Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"GRAHAM F. J. LANE" C.A.
Chairman

"G. A. GAUDREAU, C.M.A."
Secretary

Certified a true copy of
Order No. 109/07 issued by
The Public Utilities Board

Secretary