

MANITOBA) **Order No. 72/14**
)
THE PUBLIC UTILITIES BOARD ACT) **June 30, 2014**

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

**AWARD OF COSTS TO CONSUMERS' ASSOCIATION OF
CANADA (MANITOBA) INC. - INTERVENTION IN THE
APPLICATION FOR APPROVAL OF THE SALE OF ASSETS
OF SWAN VALLEY GAS CORPORATION TO
CENTRA GAS MANITOBA INC.**

Introduction

By this Order, the Public Utilities Board (Board) approves an award of costs of \$17,683.49 to the Consumers' Association of Canada (Manitoba) Inc. (CAC).

CAC intervened in the Board's deliberation of the following Applications:

1. Application from Centra Gas to acquire the assets of Swan Valley Gas Corporation (SVGC); and
2. Application from SVGC for approval of the sale of SVGC Assets to Centra Gas.

Application

CAC filed with the Board an Application for an Award of Costs on May 26, 2014.

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 who 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.

The Board approved Intervener status to the Consumers' Association of Canada (Manitoba) Inc. by Order 147/13.

CAC's request for reimbursement of costs was supported by statements of accounts as outlined below:

Legal Fees (Darcy & Deacon LLP)	\$14,971.20
Disbursements	\$735.96
GST	\$778.63
RST	\$1,197.70
Total	\$17,683.49

In support of its Application, CAC noted that its original budget estimate was \$14,954.00; CAC's resulting intervention was \$2,729.49 in excess of the budget estimate. CAC claimed additional costs were warranted due to the complexity of the case, assessing methodologies used in the financial feasibility tests, and participating in the Review and Vary Application filed by SVGC.

CAC opined that this Application was "anything but routine" and it was the first time a distributor of natural gas sold its natural gas distribution assets and service to Centra under such circumstances. As the only Intervener in this Application, CAC felt it incumbent to make certain that the existing residential customer base was not harmed by the transaction. CAC alleged it was able to demonstrate that the revenue deficiency associated with the proposed transaction did not warrant the payment of costs for the sale of SVGC's assets to Centra.

Centra's Comments

By letter to the Board dated June 16, 2014, Centra had no comment with respect to the costs requested by CAC.

BOARD FINDINGS

The Board has reviewed the cost application by CAC as well as the comments provided by Centra. The Board finds that CAC meets all of the requirements for a cost award. In particular, the Board is of the view that CAC made a significant contribution that was relevant to this proceeding which enhanced the understanding of the issues before the Board. Further, it is the view of the Board that CAC participated in the review in a responsible manner.

The Board also understands that CAC has insufficient financial resources to present its case adequately without an award of costs. Lastly, the Board is mindful that CAC has a substantial interest in the outcome of the application for the sale of SVGC Assets to Centra Gas Manitoba Inc.

In conclusion, the Board finds that the costs incurred by CAC are reasonable and the Board is prepared to accept them as filed in their Application for Costs.

The award of costs will therefore be approved for CAC in the total amount of \$17,683.49.

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 Board's website at www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. The Application of the Consumers' Association of Canada (Manitoba) Inc. for an award of costs BE AND IS HEREBY APPROVED in the total amount of \$17,683.49 and
2. Costs be payable by Centra Gas Manitoba Inc. to CAC within 15 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"Régis Gosselin, B ès Arts, MBA, CGA"

Chair

"Kurt Simonsen, P.Eng"

Acting Secretary

Certified a true copy of Order No. 72/14
issued by the Public Utilities Board



Acting Secretary