

MANITOBA) Order No. 48/05
)
THE PUBLIC UTILITIES BOARD ACT) April 8, 2005

BEFORE: Graham F. J. Lane, C.A., Chairman
E. Jorgensen, Member
D. Côté, Member

APPLICATION BY THE MANITOBA USED CAR DEALERS
ASSOCIATION FOR AN AWARD OF COSTS WITH RESPECT TO
ITS INTERVENTION IN THE GENERAL RATE APPLICATION
OF MANITOBA PUBLIC INSURANCE CORPORATION FOR
APPROVAL OF 2005 RATES AND FEES

Introduction

The Public Utilities Board (the "Board") held a public hearing of the application by Manitoba Public Insurance ("MPI") for approval of its proposed driver and motor vehicle insurance rates and other fees, to be effective March 1, 2005. The hearing was held at the Board's offices, concluding on November 1, 2004.

Manitoba Used Car Dealers Association (MUCDA) intervened at the hearing, having been granted Intervenor status by the Board at a Pre Hearing Conference. At the time, MUCDA indicated the nature of its intervention and submitted a draft budget.

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 Draft Rules of Practice and Procedure ("Draft Rules") stipulate four main criteria for determining whether costs should be awarded to an intervenor. The Notice of Public Hearing relative to MPI's application included the Board's guidelines for awarding costs.

Pursuant to the Board's Draft Rules, MUCDA, by a letter dated January 25, 2005, applied to the Board for an award of costs in the amount of \$2,568.00, comprised as follows:

Consultant Fees	\$2,400.00
Disbursements	168.00
Total Claim	<u>\$2,568.00</u>

MUCDA's Application

MUCDA submitted that it had met the Board's criteria for eligibility for an award of costs, in that:

- a) it had a substantial interest in the outcome of the proceeding;
- b) it was in financial need, being a not-for-profit organization;
- c) it had represented the interests of all automobile dealers in the province, whether members of the Association, or not;
- d) it had provided responsible participation, and had co-operated with the other parties to the hearing towards achieving a cost effective hearing; and
- e) by its participation, it contributed to a better understanding of the issues before the Board.

MUCDA is only seeking reimbursement of its disbursements and the fees paid to the consultant to present evidence at the hearing.

MPI's Perspective

MPI was provided a copy of MUCDA's application for costs, and made no comment.

Board Findings

Although MUCDA met several of the Board's criteria, in particular the criteria for having a substantial interest, participating responsibly, co-operating with others, and contributing to a better understanding of the issues at the hearing, , the members of MUCDA are auto dealers who have the commercial ability to bear their own

costs of intervention. The Board is not satisfied MUCDA meets the criteria of financial need.

That being said, the Board has appreciated the participation and intervention of MUCDA in past hearings.

IT IS THEREFORE ORDERED THAT:

1. The Application of the Manitoba Used Car Dealers Association for an award of costs in making its intervention at the Manitoba Public Insurance Corporation's 2005 Insurance Rates Hearing BE AND IS HEREBY DENIED.

THE PUBLIC UTILITIES BOARD

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

"G. O. BARRON"
Secretary

Certified a true copy of
Order No. 48/05 issued by
The Public Utilities
Board

Secretary