

MANITOBA) Order No. 49/03
)
THE PUBLIC UTILITIES BOARD ACT) March 24, 2003

BEFORE: G. D. Forrest, Chairman
E. Jorgensen, Member
D. Côté, Member

**APPLICATION BY THE CONSUMERS' ASSOCIATION
OF CANADA (MANITOBA) INC./MANITOBA SOCIETY
OF SENIORS FOR AN AWARD OF COSTS FOR
INTERVENING IN THE APPLICATION OF MANITOBA
PUBLIC INSURANCE CORPORATION FOR APPROVAL
OF ITS 2003 INSURANCE RATES**

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 effective March 1, 2003. The hearing was held at the Board's offices, in Winnipeg and concluded on October 21, 2002.

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 advises the reader of the Board's guidelines for awarding costs. The four main criteria are as follows:

"In any proceeding the Board may award costs to be paid to any Intervener who has:

- a) 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;
- b) participated in the hearing in a responsible manner and cooperated with other Interveners who have common objectives in the outcome of the proceedings in order to avoid a duplication of intervention;
- c) insufficient financial resources to present the case adequately without an award of costs; and
- d) a substantial interest in the outcome of the proceeding and represents the interests of a substantial number of the ratepayers."

Pursuant to the Board's Draft Rules, the Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors ("CAC/MSOS") applied to the Board, in a letter dated January 24, 2003 for an award of costs in the amount of \$43,458.64 comprising:

Professional fees:	
Legal	\$12,754.00
Consultants	\$29,660.00
Disbursements:	<u>\$ 1,044.64</u>
Total	<u>\$43,458.64</u>

In a letter dated March 14, 2003, MPI advised they had no specific objection to the Application for Costs.

Board Finding

The Board is satisfied that CAC/MSOS meets the full criteria for an award of costs and finds that level of fees are reasonable.

IT IS THEREFORE ORDERED THAT:

1. The Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors be awarded costs of \$43,458.64 in making its intervention at the Manitoba Public Insurance Corporation's 2003 Insurance Rates Hearing.
2. Costs shall be payable by the Manitoba Public Insurance Corporation within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

"G. D. FORREST"
Chairman

"G. O. BARRON"
Secretary

Certified a true copy of Order
No. 49/03 issued by The Public
Utilities Board

Secretary