

MANITOBA) Order No. 49/05
)
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 CONSUMERS' ASSOCIATION OF
CANADA (MANITOBA) INC. AND MANITOBA SOCIETY OF
SENIORS (CAC/MSOS) FOR AN AWARD OF COSTS WITH
RESPECT TO THE INTERVENTION OF CAC/MSOS 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 rates and fees, to be effective March 1, 2005. The hearing was held at the Board's offices, in Winnipeg and was concluded on November 1, 2004.

CAC/MSOS intervened in the hearing, having been granted Intervenor status by the Board at a Pre Hearing Conference. At that time, CAC/MSOS presented a draft budget for its intervention.

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, CAC/MSOS applied to the Board, in a letter dated March 28, 2005, for an award of costs in the amount of \$47,145.47, comprised as follows:

Professional legal fees (as per December 19, 2003 letter)	\$18,495.00
Consultant Fees	25,712.50
Disbursements	2,937.97
Total Claim	<u>\$47,145.47</u>

Not included in CAC/MSOS' application for costs was an amount of \$6,995.85 representing the cost of a consultant retained with respect to road safety issues. CAC/MSOS did not claim reimbursement of that consulting fee because it had not advised the Board or MPI of this retainer in advance of the hearing.

CAC/MSOS' Application

In its application for costs, CAC/MSOS submitted that it had met the Board's criteria for an award of costs, namely:

- a) It had a substantial interest in the outcome of the proceeding;
- b) In the absence of a cost award, it would not have been able to participate ;
- c) It had participated in a responsible manner and it had co-operated with others.

CAC/MSOS noted that its intervention focused on three major issues: cost control, including the Personal Injury Protection Plan, road safety and human resource issues. CAC/MSOS observed that these areas were the subject of interest to the Board in Order No. 148/04. In short, CAC/MSOS contended that its contribution led to a better understanding of the issues at the hearing.

CAC/MSOS apologized for its late cost submission, noting the contributing factors of other pressing priorities and limited administrative resources.

MPI's Perspective

MPI was provided a copy of CAC/MSOS' application for costs, and made no comment.

Board Findings

The Board found CAC/MSOS's intervention to be of considerable value in the proceeding.

Over the years, its participation has regularly brought forward matters of significance to not only CAC/MSOS members but also to the public.

With this in mind, the Board will grant CAC/MSOS costs, including the consulting fee related to safety issues. Safety is an area of critical interest to the Board and CAC/MSOS' intervention on that topic was useful and ultimately contributed to an effective hearing. The Board would urge CAC/MSOS to provide advance notice of its intention to retain consultants in any future hearings.

With respect to CAC/MSOS' late filing of its cost claim, although appreciating the factors that caused the delay, the Board notes the impact and domino effect on the Board and MPI's administration. The Board would appreciate CAC/MSOS making every effort in the future to avoid such delays.

IT IS THEREFORE ORDERED THAT:

1. With respect to its application, The Consumers' Association of Canada (Manitoba) Inc. and Manitoba Society of Seniors (CAC/MSOS) be awarded costs of \$54,141.32 with respect to its intervention at the Manitoba Public Insurance Corporation's 2005 Rates Hearing.
2. Costs to be payable by the Manitoba Public Insurance Corporation within 30 days of the date of this Order.

THE PUBLIC UTILITIES BOARD

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

"G. O. BARRON"
Secretary

Certified a true copy of
Order No. 49/05 issued by
The Public Utilities
Board

Secretary