

MANITOBA) Order No. 106/05
)
THE PUBLIC UTILITIES BOARD ACT) July 7, 2005

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

**APPLICATION BY THE MANITOBA USED CAR
DEALERSHIP ASSOCIATION FOR AN AWARD OF COSTS
FOR PARTICIPATING IN A SPECIAL HEARING
REGARDING THE CURRENT CLAIMS COST ATTRIBUTION
METHODOLOGY OF MANITOBA PUBLIC INSURANCE AND
THE CONCEPT OF LOSS TRANSFER IMPLEMENTATION**

The Public Utilities Board (the "Board") held a special public hearing regarding the current claims cost attribution methodology of Manitoba Public Insurance ("MPI") and the concept of Loss Transfer implementation. The hearing was held at the Board's offices in Winnipeg on May 10 through May 12, 2005, and concluded on May 17, 2005.

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 criteria for determining whether costs should be awarded, and the Notice of Public Hearing advised as to these Draft Rules. The criteria are as follows and are used to determine whether an intervener:

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 who have 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.

Pursuant to the Board's Draft Rules of Practice and Procedure, the Manitoba Used Car Dealership Association ("MUCDA") applied for an award of costs totalling \$1605.00 relating only to its out of pocket costs related to the provision of advisory services.

In support of its application, MUCDA stated it had a substantial interest in the proceedings, participated responsibly, contributed to a better understanding of the issue and had financial need.

With respect to financial need, MUCDA noted that it is not an "inherently" profit-oriented association and its participation in this proceeding went further than its commercial interest as it dealt with public interest issues. MUCDA noted it has been cost cautious as it has not used legal services in making its participation and is not seeking recovery of other out-of-

pocket expenses related to the Association's Executive Director's participation.

MPI made no response to this Application for Costs.

Board Finding

MUCDA is well known to the Board and once again finds MUCDA did have a substantial interest in the matter before the Board, participated responsibly and co-operatively and did make a contribution to a better understanding of the matter before the Board.

While the Board does not believe that MUCDA met the Board's criterion with respect to financial need given the nature of the hearing being a public invitation to comment on a policy matter versus a rate matter, given effort of MUCDA to not solely rely on a cost award to fund its intervention and given the quantum sought, the Board will, on an exception basis, award costs in full to MUCDA.

IT IS THEREFORE ORDERED THAT:

1. Manitoba Used Car Dealership Association be awarded costs in the amount of \$1,605.00.
2. Costs shall be payable by the Manitoba Public Insurance 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. 106/05 issued by The Public
Utilities Board

Secretary