

MANITOBA) Order No. 171/05
)
THE PUBLIC UTILITIES BOARD ACT) December 21, 2005

BEFORE: Graham F. J. Lane, C.A., Chairman
Dr. Leonard Evans, Member
Eric Jorgensen, Member

**APPLICATION BY THE MANITOBA BAR ASSOCIATION FOR AN
AWARD OF COSTS FOR INTERVENING IN THE APPLICATION
OF MANITOBA PUBLIC INSURANCE CORPORATION FOR
APPROVAL OF ITS 2006 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, to be effective March 1, 2006. The hearing was held at the Board's offices in Winnipeg, concluding on October 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 main criteria for determining whether costs should be awarded to an Intervener. The Notice of Public Hearing relative to MPI's application advised as to the Board's guidelines for awarding costs.

Pursuant to the Board's Draft Rules, the Manitoba Bar Association (MBA) applied to the Board for an award of costs in the amount of \$12,538.30, comprising solely of legal fees.

MBA supported its application for costs in its final submission to the Board at the close of the hearing on October 17, 2005, and the particulars of the costs were filed in an email to the Board dated November 24, 2005.

In its closing submission, MBA opined that it had addressed the issues upon which the Board granted intervenor status, and, further, upon which the Board sought comment. MBA suggested that it had co-operated with others during the process. MBA further suggested that the interests and mandate of The Public Utilities Board relate to the issues raised by the MBA. MBA reported that it is a non-profit organization, and was not in attendance to promote the financial interest of its members.

MPI, by a letter dated December 12, 2005, advised the Board that MPI had no representation to make in connection with this claim.

Board Finding

The Board appreciates the contribution and co-operation extended by MBA during the hearing. The Board does not consider the MBA an inherently profit-oriented association. The Board is of the view that MBA's efforts before the Board were in the public interest and contributed to a better understanding.

Accordingly, the Board will award the costs sought by MBA.

IT IS THEREFORE ORDERED THAT:

1. The Manitoba Bar Association be awarded costs of \$12,538.30 in making its intervention at the Manitoba Public Insurance 2006 Insurance Rates Hearing.
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. GAUDREAU, C.M.A."
Secretary

Certified a true copy of Order
No. 171/05 issued by The Public
Utilities Board

Secretary