



## AltaLink Management Ltd.

Refiling of Transmission Facility Owner Terms and Conditions  
Pursuant to Decision 2008-108

Cost Awards



**ALBERTA UTILITIES COMMISSION**

Utility Cost Order 2010-009: AltaLink Management Ltd.

Refiling of Transmission Facility Owner Terms and Conditions

Pursuant to Decision 2008-108

Application No. 1605040

Cost Application No. 1605574

Published by

Alberta Utilities Commission

Fifth Avenue Place, 4th Floor, 425 - 1 Street SW

Calgary, Alberta

T2P 3L8

Telephone: (403) 592-8845

Fax: (403) 592-4406

Web site: [www.auc.ab.ca](http://www.auc.ab.ca)

Contents

**1 INTRODUCTION..... 1**

**2 VIEWS OF THE COMMISSION – AUTHORITY TO AWARD COSTS ..... 1**

**3 VIEWS OF THE COMMISSION – ASSESSMENT..... 2**

**4 GST..... 3**

**5 ORDER ..... 3**

**APPENDIX A – Summary of Costs Claimed and Awarded..... 5**

# ALBERTA UTILITIES COMMISSION

Calgary, Alberta

---

**AltaLink Management Ltd.  
Refiling of Transmission Facility Owner  
Terms and Conditions Pursuant to Decision 2008-108**

**Utility Cost Order 2010-009  
Application No. 1605040  
Cost Application No. 1605574**

---

## 1 INTRODUCTION

1. On September 28, 2007, AltaLink Management Ltd. (AltaLink) filed an Application (Application 1527900 or Original Application), with the predecessor to the Alberta Utilities Commission (AUC or Commission), the Alberta Energy and Utilities Board (EUB or Board), respecting updated Terms and Conditions of Service (T&Cs) for regulated Transmission Facility Owners (TFOs) who provide transmission services to the Alberta Electric System Operator (AESO).
2. Decision [2008-108](#)<sup>1</sup> in respect of Application 1527900 directed AltaLink, in consultation with the AESO and other Alberta TFOs, to re-file the T&Cs set out in Application 1527900 to reflect the findings, conclusions and directions of Decision 2008-108.
3. On April 30, 2009 AltaLink filed an application (Refiling Application) with the Commission on behalf of all participating TFOs.
4. The Commission dealt with this Application by way of a written proceeding. Argument was received from AltaLink and the AESO on September 8, 2009. Reply Argument was received from AltaLink and the AESO on September 22, 2009.
5. The Commission issued Decision [2009-248](#)<sup>2</sup> with respect to the Application.
6. On October 27, 2009, a summary of the costs being claimed was circulated to interested parties. Parties were advised that any comments regarding the figures listed in the summary or the merits of the total costs claimed were to be filed by November 10, 2009. The Commission did not receive any comments. Accordingly, the Commission considers, for the purposes of this Cost Order, the cost process to have closed on November 10, 2009.

## 2 VIEWS OF THE COMMISSION – AUTHORITY TO AWARD COSTS

7. In assessing a cost claim pursuant to section 21 of the *Alberta Utilities Commission Act* (AUC Act), the Commission applies Rule 022, *Rules on Intervener Costs* (Rule 022) when considering cost claims for applications filed prior to October 1, 2008.

---

<sup>1</sup> Decision 2008-108: AltaLink Management Ltd., Updated Transmission Facility Owner Terms and Conditions of Service (Application No. 1527900) (Released: November 4, 2008).

<sup>2</sup> Decision 2009-248: AltaLink Management Ltd., Refiling of Transmission Facility Owner Terms and Conditions Pursuant to Decision 2008-108 (Application No.1605040) (Released: December 14, 2009).

8. As this cost claim reflects a Refiling Application that arose from an Original Application in which the Commission's cost rules in effect prior to October 1, 2008 applied, the Commission has assessed the costs claimed in respect of this application in accordance with Rule 022 and the *Scale of Costs* in effect prior to October 1, 2008. The Commission has done so as it considers the Refiling Application to be a continuance of the Original Application and therefore it is reasonable to provide parties who participated in the Original Application with the opportunity to participate in the Refiling Application using the same cost rules that were in force in the Original Application.

9. In exercising its discretion to award costs, the Commission will, in accordance with section 11 of Rule 022, consider whether an eligible participant acted responsibly and contributed to a better understating of the issues before the Commission, and whether the costs claimed are reasonable and directly and necessarily related to the proceeding. The Commission considers these factors in light of the scope and nature of the issues in question.

10. In the Commission's view, the responsibility to contribute positively to the process is inherent in the choice to intervene in a proceeding. The Commission expects that those who choose to participate will prepare and present a position that is reasonable in light of the issues arising in the proceeding and necessary for the determination of those issues. To the extent reasonably possible, the Commission will be mindful of participants' willingness to co-operate with the Commission and other participants to promote an efficient and cost-effective proceeding.

11. As the costs of a utility proceeding are generally passed on to customers, it is the Commission's duty to ensure that customers receive fair value for a party's contribution. As such, the Commission only approves those costs that are reasonable and directly and necessarily related to the party's participation in the proceeding.

### **3 VIEWS OF THE COMMISSION – ASSESSMENT**

12. On October 22, 2009, the Commission received a cost claim from AltaLink in the amount of \$23,768.97. The claim was comprised of legal fees incurred by Borden Ladner Gervais LLP in the amount of \$23,644.07, together with disbursements of \$124.90.

13. The Commission notes that AltaLink has claimed costs in accordance with the Commission's *Scale of Costs* as it exists under the new cost rule for claimants of Borden Ladner Gervais LLP. As noted in paragraph 8 above, the Commission considers that the costs claim in this application should be assessed in accordance with the cost rule in effect prior to October 1, 2008. As such, the Commission has adjusted the cost claim to reflect the *Scale of Costs* in effect prior to October 1, 2008.

14. Mr. Williamson claimed 1.4 hours at the hourly rate of \$350.00 (\$490.00). Based on Mr. Williamson's experience, the applicable *Scale of Costs* allows for a maximum hourly rate of \$250, which for 1.4 hours results in a total of \$350.00. Mr. Ross claimed 62 hours at the hourly rates of \$340, \$350 and \$296 (\$21,317.00). Based on Mr. Ross's experience, the applicable *Scale of Costs* allows for a maximum hourly rate of \$250, which for 62 hours results in a total of \$15,500.00. Mr. Milne claimed 3.5 hours at the hourly rate of \$222.00 (\$777.00). Based on Mr. Milne's experience, the applicable *Scale of Costs* allows for a maximum hourly rate of \$140,

which for 3.5 hours results in a total of \$490.00. The total for Borden Ladner Gervais LLP adjusted to the prior *Scale of Costs* is \$17,399.67.

15. The Commission considers the claim for Borden Ladner Gervais LLP as adjusted, to be reasonable and approves the adjusted amount.

16. Taking the foregoing into account, including AltaLink's disbursements, the Commission approves a total award in the amount of \$17,524.57.

#### **4 GST**

17. In accordance with the Commission's treatment of the GST on cost awards, AltaLink is required to pay only that portion of the GST paid by interveners that may not be recoverable through the GST credit mechanism. Accordingly where parties are eligible for a GST credit the Commission has reduced this particular portion of their claim. Eligible GST approved by the Commission amounts to \$0.00. The GST allowed by the Commission may also be charged against AltaLink's Hearing Cost Reserve Account.

18. The Commission emphasizes that its treatment of the GST claimed in no way relieves participants or their lawyers and consultants from their GST obligations pursuant to the *Excise Tax Act*, R.S.C. 1985, c. E-15.

#### **5 ORDER**

IT IS HEREBY ORDERED:

1. AltaLink Management Ltd. external costs in the amount of \$17,524.57, as set out in column (h) of [Appendix A](#), are approved.
2. AltaLink Management Ltd. shall record in its Hearing Cost Reserve Account the allowed external applicant costs in the amount of \$17,524.57, as set out in column (h) of [Appendix A](#).

Dated in Calgary, Alberta on this 27<sup>th</sup> day of January, 2010.

#### **ALBERTA UTILITIES COMMISSION**

*(Original signed by)*

N. Allen Maydonik Q.C.,  
Panel Chair

*(Original signed by)*

Tudor Beattie Q.C.,  
Commissioner

*(Original signed by)*

Bill Lyttle  
Commissioner

## **APPENDIX A – SUMMARY OF COSTS CLAIMED AND AWARDED**



Appendix A

[\(Back to Table of Contents\)](#)

AltaLink Management Ltd.  
 Cost Application No. 1605574

Updated Alberta TFO Refiling Application for AUC Decision 2008-108

(1605040)

Costs Claimed and Awarded

	Total Fees Claimed (a)	Total Expenses Claimed (b)	Total GST Claimed (c)	Total Amount Claimed (d)	Total Fees Awarded (e)	Total Expenses Awarded (f)	Total GST Awarded (g)	Total Amount Awarded (h)
<b>APPLICANT</b>								
AltaLink Management								
Borden Ladner Gervais LLP	\$23,644.07	\$124.90	\$0.00	\$23,768.97	\$17,399.67	\$124.90	\$0.00	\$17,524.57
Sub-Total	\$23,644.07	\$124.90	\$0.00	\$23,768.97	\$17,399.67	\$124.90	\$0.00	\$17,524.57
<b>INTERVENERS</b>								
No Intervener Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sub-Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL INTERVENER COSTS</b>								
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL INTERVENER AND APPLICANT COSTS</b>								
	\$23,644.07	\$124.90	\$0.00	\$23,768.97	\$17,399.67	\$124.90	\$0.00	\$17,524.57