



ATCO Electric Ltd.

2009-2010 General Tariff Application – Phase I
Compliance Filing

Cost Awards



ALBERTA UTILITIES COMMISSION

Utility Cost Order 2010-019: ATCO Electric Ltd.

2009-2010 General Tariff Application – Phase I Compliance Filing

Application No. 1605361

Cost Application No. 1605726

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1 INTRODUCTION

1. ATCO Electric Ltd. (AE) filed its 2009-2010 General Tariff Application Phase I Compliance Filing (Compliance Application) on August 14, 2009 with the Alberta Utilities Commission (AUC or Commission) pursuant to Decision [2009-087](#).¹
2. The Compliance Application included responses pursuant to Commission directions in Decision 2009-087 that dealt with AE's 2009-2010 General Tariff Phase I Application.
3. The Commission dealt with this Application by way of written proceeding. The division of the Commission assigned to deal with this matter consisted of Commission Vice-Chair, C. Dahl Rees, and Commissioners B. Lyttle and A. Michaud.
4. On February 9, 2010, the Commission issued Decision [2010-056](#)², with respect to the Compliance Application.
5. On December 16, 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 December 30, 2009. Accordingly, for the purposes of this Cost Order, the Commission considers the cost process to have closed on December 16, 2009.

2 VIEWS OF THE COMMISSION – AUTHORITY TO AWARD COSTS

6. When 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 in Utility Rate Proceedings* (Rule 022). Rule 022 was revised on September 30, 2008. As the filing of this Application with the Commission was on August 14, 2009, the Commission has assessed the costs claimed in accordance with the provisions of the current Rule 022.
7. 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 understanding 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.

¹ Decision 2009-087 – ATCO Electric Ltd. 2009-2010 General Tariff Application – Phase I (Application No. 1578371, Proceeding ID. 86) (Released: July 2, 2009).

² Decision 2010-056 – ATCO Electric Ltd. 2009-2010 General Tariff Application – Phase

8. 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.

9. 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

10. The Consumers' Coalition of Alberta (CCA) submitted a cost claim totaling \$11,039.44. The claim is comprised of consulting fees incurred by Regulatory Services Inc. in the amount of \$10,513.75, together with GST of \$525.69.

11. Pursuant to section 3 (1) of Rule 022, the Commission may award costs to an intervener who has, or represents a group of utility customers that have, a substantial interest in the subject matter of a hearing or other proceeding and who does not have the means to raise sufficient financial resources to enable the intervener to present its interest adequately in the hearing or other proceeding. The Commission finds that the CCA meets these criteria and is eligible for an award of costs pursuant to Rule 022.

12. The Commission finds that the participation of the CCA was, for the most part, effective and of assistance in reviewing the Application. The Commission also notes that the claims for professional fees and other claims were in accordance with the *Scale of Costs*. Accordingly, the Commission considers the claims for fees, disbursements and applicable GST for the CCA to be reasonable in the total amount of \$11,039.44.

4 GST

13. In accordance with the Commission's treatment of the GST on cost awards, ATCO Electric Ltd. 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 \$525.69. The GST allowed by the Commission may also be charged against AE's Hearing Cost Reserve Account.

14. 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. ATCO Electric Ltd. shall pay intervener costs in the amount of \$11,039.44.
2. ATCO Electric Ltd. shall record in its Hearing Cost Reserve Account the allowed external applicant and intervener costs in the amount of \$11,039.44.

Dated on March 18, 2010.

ALBERTA UTILITIES COMMISSION

(Original signed by)

Carolyn Dahl Rees
Vice-Chair

(Original signed by)

Bill Lyttle
Commissioner

(Original signed by)

Anne Michaud
Commissioner