



**AltaLink Management Ltd.
Facility Applications**

Wainwright Transmission Reinforcement

Costs Award

July 25, 2017

Alberta Utilities Commission

Decision 22508-D01-2017

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1 Introduction

1. In this decision the Alberta Utilities Commission considers an application (the costs claim application) by the Johnston Group for approval and payment of its costs of participation in Proceeding 21857¹ (the original proceeding). The costs claimed and costs awarded are provided in the following table:

Claimant	Total Fees Claimed	Total Disbursements Claimed	Total GST Claimed	Total Amount Claimed	Total Fees Awarded	Total Disbursements Awarded	Total GST Awarded	Total Amount Awarded
The Johnston Group								
Carscallen LLP	\$45,994.80	\$2,271.73	\$2,413.33	\$50,679.86	\$45,994.80	\$2,271.73	\$2,413.33	\$50,679.86
Cottonwood Consultants Ltd.	\$16,132.50	\$935.44	\$853.22	\$17,921.16	\$16,132.50	\$935.44	\$853.22	\$17,921.16
Honorarium	\$1,100.00	\$0.00	\$0.00	\$1,100.00	\$1,100.00	\$0.00	\$0.00	\$1,100.00
Total	\$63,227.30	\$3,207.17	\$3,266.55	\$69,701.02	\$63,227.30	\$3,207.17	\$3,266.55	\$69,701.02

2. The Commission has decided to approve the costs, as claimed, for the reasons provided below.

3. The original proceeding was convened by the Commission to consider AltaLink Management Ltd.'s (AltaLink) facility applications to alter Wainwright 51S Substation and to construct approximately 26 kilometers of single-circuit 138-kV transmission line (the project). The original proceeding involved information requests (IRs), IR responses, evidence and an oral hearing. The close of record for the original proceeding was February 23, 2017 and the Commission issued Decision 21857-D01-2017² on April 28, 2017.

4. The Johnston Group submitted its costs claim application on March 23, 2017, within the 30 day timeline permitted by the Commission's rules. The Commission assigned Proceeding 22508 and Application 22508-A001 to the cost application.

5. On April 11, 2017, AltaLink filed a letter regarding the costs claim application stating it had no comments with respect to the costs claim application.

6. On June 6, 2017, the Commission issued IRs to the Johnston Group requesting further information regarding the hours claimed by legal counsel. The Johnston Group filed its

¹ Proceeding 21857: Alberta Electric System Operator Needs Identification Document Application and AltaLink Management Ltd. Facility Applications Wainwright Transmission Reinforcement

² Decision 21857-D01-2017: Alberta Electric System Operator Needs Identification Document Application and AltaLink Management Ltd. Facility Applications Wainwright Transmission Reinforcement, Proceeding 21857, April 28, 2017.

response on June 13, 2017. The Commission considers the close of record for this proceeding to be June 13, 2017, the date upon which the final submissions on the costs claim application were received.

2 Commission findings

7. Only “local interveners” are eligible to claim costs in facility related applications. The Commission’s authority to award costs for the participation of a local intervener in an application to review a decision on a hydro development, power plant or transmission line under the *Hydro and Electric Energy Act* or a gas utility pipeline under the *Gas Utilities Act* is found in sections 21 and 22 of the *Alberta Utilities Commission Act*. When considering a claim for costs for a facilities proceeding, the Commission is also guided by the factors set out in Section 7 of Rule 009: *Rules on Local Intervener Costs* (Rule 009) and will consider whether an eligible participant’s costs are reasonable and directly and necessarily related to the proceeding and whether the eligible participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Commission. Appendix A of Rule 009 prescribes a Scale of Costs applicable to all costs claimed.

8. Section 22 of the *Alberta Utilities Commission Act* defines what a “local intervener” is and states:

22(1) For purposes of this section, “local intervener” means a person or group or association of persons who, in the opinion of the Commission,

- (a) has an interest in, and
- (b) is in actual occupation of or is entitled to occupy

land that is or may be directly and adversely affected by a decision or order of the Commission in or as a result of a hearing or other proceeding of the Commission on an application to construct or operate a hydro development, power plant or transmission line under the *Hydro and Electric Energy Act* or a gas utility pipeline under the *Gas Utilities Act*, but unless otherwise authorized by the Commission does not include a person or group or association of persons whose business interest may include a hydro development, power plant or transmission line or a gas utility pipeline.

2.1 The Johnston Group

9. Members of the Johnston Group own or reside on property located within 800 meters of the project area. Given the proximity of their respective properties to the project, the Commission is satisfied that they have an interest in, and are entitled to occupy, land that may be directly and adversely affected by the Commission’s decision on AltaLink’s application. Accordingly, the Commission finds that the members of the Johnston Group are local interveners.

10. The following table summarizes the Johnston Group’s cost claim for the original proceeding:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
The Johnston Group							
Carscallen LLP	149.30	11.70	2.51	\$45,994.80	\$2,271.73	\$2,413.33	\$50,679.86
Cottonwood Consultants Ltd.	48.75	16.50	0.00	\$16,132.50	\$935.44	\$853.22	\$17,921.16
Honorarium	0.00	0.00	0.00	\$1,100.00	\$0.00	\$0.00	\$1,100.00
Total	198.05	28.20	2.51	\$63,227.30	\$3,207.17	\$3,266.55	\$69,701.02

11. The Commission finds that the Johnston Group acted responsibly in the original proceeding and contributed to a better understanding of the issues in the proceeding.

Carscallen LLP

12. The Johnston Group was represented by Carscallen LLP in the original proceeding. The fees claimed by the Johnston Group for the legal services provided by Mr. Nicholas Ramessar and Mr. Ryan Barata relate to reviewing the application, drafting IRs and IR responses, reviewing IR responses from AltaLink, corresponding with interveners, drafting and reviewing evidence, preparing cross-examination, preparing for and attending the oral hearing and giving oral argument. A total of 8.40 hours were claimed for travel at half of Mr. Ramessar's normal rate.

13. The Commission finds that the services performed by Mr. Ramessar and Mr. Barata were directly and necessarily related to the Johnston Group's participation in the original proceeding, and that the fees and disbursements, which were claimed in accordance with the Scale of Costs for those services, were reasonable. Accordingly, the Commission approves the Johnston Group's claim for legal fees for Carscallen LLP in the amount of \$45,994.80, disbursements for accommodation, mileage, transcripts, postage, courier fees and photocopying of \$2,271.73, and GST of \$2,413.33 for a total of \$50,679.86.

Cottonwood Consultants Ltd.

14. Cottonwood Consultants Ltd. was retained by the Johnston Group to perform consulting services in the original proceeding. The fees claimed by the Johnston Group for the consulting services provided by Mr. Cliff Wallis relate to reviewing the application, performing field visits, preparing a report on the environmental considerations relating to all proposed routes, drafting IR responses, and preparing for and attending the oral hearing.

15. The Commission finds that that the services performed by Mr. Wallis were directly and necessarily related to the Johnston Group's participation in the original proceeding, and that the fees and disbursements, which were claimed in accordance with the Scale of Costs for those services, were reasonable. Accordingly, the Commission approves the Johnston Group's claim for consulting fees for Cottonwood Consultants Ltd. in the amount of \$16,132.50, disbursements for accommodations, aerial photos and mileage of \$935.44 and GST of \$853.22 for a total of \$17,921.16.

Intervener costs

16. The costs claim application also requested attendance honoraria for six individuals totalling \$600.00 and an honorarium for forming a group of \$500.00 for Mr. Bill Johnston.

17. The claims for attendance honorarium are reasonable and within the Scale of Costs, and are approved. Likewise, the claim by Mr. Johnston for forming an intervener group is in accordance with the Scale of Costs and is approved.

Total amount awarded

18. The Commission approves the claim by the Johnston Group for recovery of costs in the total amount of \$69,701.02. This amount is composed of legal fees of \$45,994.80, consulting fees of \$16,132.50, honoraria of \$1,100.00, disbursements of \$3,207.17 and GST of \$3,266.55.

3 Order

19. It is hereby ordered that:

- 1) AltaLink Management Ltd. shall pay intervener costs to the Johnston Group in the amount of \$69,701.02. Payment shall be made to Carscallen LLP, attention: Mr. Nicholas Ramessar at 1500, 407- 2 Street SW, Calgary, AB, T2P 2Y3.

Dated on July 25, 2017.

Alberta Utilities Commission

(original signed by)

Anne Michaud
Panel Chair