



AltaGas Utilities Inc.

2016 Capital Tacker True-Up Application

Costs Award

January 10, 2018

Alberta Utilities Commission

Decision 22982-D01-2018

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1 Introduction

1. In this decision, the Alberta Utilities Commission considers an application (the costs claim application) by the Consumers' Coalition of Alberta (CCA) for approval and payment of its costs of participation in Proceeding 22710¹ (the original proceeding). The following table sets out the costs claimed and the amounts awarded:

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
CCA								
Wachowich & Company	\$4,699.80	\$0.00	\$234.99	\$4,934.79	\$4,699.80	\$0.00	\$234.99	\$4,934.79
Regulatory Services Inc.	\$2,983.50	\$65.40	\$152.45	\$3,201.35	\$2,983.50	\$65.40	\$152.45	\$3,201.35
Total	\$7,683.30	\$65.40	\$387.44	\$8,136.14	\$7,683.30	\$65.40	\$387.44	\$8,136.14

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 AltaGas Utilities Inc.'s 2016 capital tracker true-up application. The original proceeding included information requests (IRs), IR responses, a technical meeting held on June 22, 2017, argument and reply argument. The close of record for the original proceeding was August 28, 2017 and the Commission issued Decision 22710-D01-2017² on November 23, 2017.

4. The CCA submitted its costs claim application on September 27, 2017, within the 30 day timeline permitted by the Commission's rules. The Commission assigned Proceeding 22982 and Application 22982-A001 to the costs claim application.

5. No comments were filed with respect to the costs claim application and the Commission considers the close of record for this proceeding to be October 11, 2017, the deadline for filing comments.

2 Commission findings

6. The Commission's authority to award costs for participation in a utility rates proceeding is found in Section 21 of the *Alberta Utilities Commission Act*. When considering a claim for

¹ Proceeding 22710: AltaGas Utilities Inc. 2016 Capital Tracker True-Up Application.

² Decision 22710-D01-2017: AltaGas Utilities Inc. 2016 Capital Tracker True-Up Application, Proceeding 2271, November 23, 2017.

costs for a utility rates proceeding, the Commission is also guided by the factors set out in Section 11 of Rule 022: *Rules on Costs in Utility Rate Proceedings* (Rule 022). These factors include, among other things, whether eligible participants' costs claims are reasonable and directly and necessarily related to the original proceeding, and whether the participants acted responsibly and contributed to a better understanding of the issues before the Commission. Appendix A of Rule 022 prescribes a Scale of Costs applicable to all costs claimed.

2.1 Consumers' Coalition of Alberta

7. The following table summarizes the CCA's costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
CCA							
Wachowich & Company	16.84	0.00	3.35	\$4,699.80	\$0.00	\$234.99	\$4,934.79
Regulatory Services Inc.	10.25	0.00	0.80	\$2,983.50	\$65.40	\$152.45	\$3,201.35
Total	27.09	0.00	4.15	\$7,683.30	\$65.40	\$387.44	\$8,136.14

8. The Commission finds that the CCA acted responsibly in the original proceeding and contributed to a better understanding of the relevant issues in the proceeding.

Wachowich & Company

9. The CCA was represented by Wachowich & Company in the original proceeding. The fees claimed by the CCA for legal services provided by Mr. James Wachowich relate to reviewing the application, drafting IRs, preparing for and attending the technical meeting and drafting argument.

10. Of the 20.19 hours claimed by the CCA, 10.29 were claimed for work performed by a research associate, Mr. Kyle Riley at a rate of \$120.00 per hour exclusive of GST. The hours claimed by Mr. Riley relate to reviewing the original application, drafting IRs and drafting argument.

11. The Commission finds that the services performed by Wachowich & Company were directly and necessarily related to the CCA's participation in the original proceeding, and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves the CCA's claim for legal and research consulting fees for Wachowich & Company in the amount of \$4,699.80 and GST of \$234.99 for a total of \$4,934.79.

Regulatory Services Inc.

12. Regulatory Services Inc. was retained by the CCA to perform consulting services in the original proceeding. The fees claimed by the CCA for the consulting services provided by Mr. Jeffrey Jodoin relate to reviewing the application, preparing for and attending the technical meeting, drafting IRs, reviewing draft argument and assessing the need for reply argument.

13. The Commission notes that, in the costs claim application, the amount of GST requested in relation to professional services was \$298.35 in some instances, and \$149.18 in others. The Commission finds that \$149.18 is the correct number (five per cent of \$2,983.50).

14. The Commission finds that the services performed by Regulatory Services Inc. were directly and necessarily related to the CCA'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, are reasonable. Accordingly, the Commission approves the CCA's claim for consulting fees for Regulatory Services Inc. in the amount of \$2,983.50, disbursements for mileage and photocopying of \$65.40 and GST of \$152.45 for a total of \$3,201.35.

Total amount awarded

15. For the reasons provided above, the Commission approves the CCA's claim for recovery of costs in the total amount of \$8,136.14. This amount is composed of legal and research consulting fees of \$4,699.80, consulting fees of \$2,983.50, disbursements of \$65.40 and GST of \$387.44.

3 Order

16. It is hereby ordered that:

- 1) AltaGas Utilities Inc. shall pay intervenor costs to the Consumers' Coalition of Alberta in the amount of \$8,136.14.
- 2) AltaGas Utilities Inc. shall record in its Deferred Regulatory Costs (Hearing) account approved intervenor costs amounts of \$8,136.14.

Dated on January 10, 2018.

Alberta Utilities Commission

(original signed by)

Mark Kolesar
Vice-Chair