



ATCO Electric Ltd.

Stage 2 Review of Decision 20272-D01-2016

ATCO Electric Ltd.

2015-2017 Transmission General Tariff Application

Costs Award

January 12, 2018

Alberta Utilities Commission

Decision 23011-D01-2018

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Calgary, Alberta

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1 Introduction

1. In this decision, the Alberta Utilities Commission considers applications (the costs claim applications) by ATCO Electric Ltd. (transmission) (ATCO Electric) and the Consumers' Coalition of Alberta (CCA) for approval and payment of their costs of participation in Proceeding 22483¹ (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
ATCO Electric								
Bennett Jones LLP	\$19,092.50	\$115.50	\$0.00	\$19,208.00	\$19,092.50	\$115.50	\$0.00	\$19,208.00
Total	\$19,092.50	\$115.50	\$0.00	\$19,208.00	\$19,092.50	\$115.50	\$0.00	\$19,208.00
CCA								
Wachowich & Company	\$2,257.50	\$0.00	\$112.88	\$2,370.38	\$2,257.50	\$0.00	\$112.88	\$2,370.38
Bema Enterprises Ltd.	\$16,258.00	\$0.00	\$812.90	\$17,070.90	\$16,258.00	\$0.00	\$812.90	\$17,070.90
Total	\$18,515.50	\$0.00	\$925.78	\$19,441.28	\$18,515.50	\$0.00	\$925.78	\$19,441.28
Total of all amounts claimed and awarded				\$38,649.28				\$38,649.28

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 the stage 2 review of the Commission's determination on recovery of employee severance payments following ATCO Electric's application seeking a review and variance of Decision 20272-D01-2016.² The original proceeding included information requests (IRs), IR responses, argument and reply argument. The close of record for the original proceeding was September 8, 2017, and the Commission issued Decision 22483-D01-2017³ on December 6, 2017.

¹ Proceeding 22483: Stage 2 Review of Decision 20272-D01-2016 ATCO Electric Ltd. 2015-2017 Transmission General Tariff Application.

² Decision 20272-D01-2016: 3ATCO Electric Ltd. 2015-2017 Transmission General Tariff Application, Proceeding 20272, August 22, 2016.

³ Decision 22483-D01-2017: ATCO Electric Ltd. Stage 2 Review and Variance of Decision 20272-D01-2016 ATCO Electric Ltd. 2015-2017 Transmission General Tariff Application, Proceeding 22483, December 6, 2017.

4. ATCO Electric submitted its costs claim application on October 6, 2017, within the 30 day timeline permitted by AUC Rule 022: *Rules on Costs in Utility Rate Proceedings* (Rule 022). The Commission assigned Proceeding 23011 and Application 23011-A001 to the costs claim application.

5. The CCA submitted its costs claim application on October 10, 2017. The costs claim application was filed two days outside of the required 30 day timeline permitted by Rule 022. Costs claim applications not received within the specified timeframe may be rejected without further process. The Commission used its discretion to accept the late filing. Within Proceeding 23011, the CCA’s costs claim application was assigned Application 23011-A002.

6. No comments were filed with respect to the costs claim applications and the Commission considers the close of record for this proceeding to be November 2, 2017, the deadline for filing comments.

2 Commission findings

7. The Commission’s authority to award costs for participation in a proceeding to consider an application to review a decision on a utility rates matter is found in Section 21 of the *Alberta Utilities Commission Act*. When considering a claim for costs for a review on a utility rates decision, the Commission is also guided by Section 5 of Rule 022 and the factors set out in Section 11 of Rule 022 and the Scale of Costs found in Appendix A of Rule 022.

8. Section 5 of Rule 022 permits a utility to claim costs in connection with stage 1 review, and stage 2 variance, proceedings if it is successful in the review proceeding. In Decision 22094-D01-2017⁴, the Commission granted, in part, ATCO Electric’s application for a review of Decision 20272-D01-2016. In Decision 22566-D01-2017⁵, the Commission assessed costs claim applications by ATCO Electric and the CCA relating to the review proceeding. This decision relates to costs arising in the original proceeding, being the stage 2 variance proceeding.

2.1 ATCO Electric Ltd.

9. The following table summarizes ATCO Electric’s costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
ATCO							
Bennett Jones LLP	39.05	0.00	15.50	\$19,092.50	\$115.50	\$0.00	\$19,208.00
Total	39.05	0.00	15.50	\$19,092.50	\$115.50	\$0.00	\$19,208.00

⁴ Decision 22094-D01-2017: ATCO Electric Ltd. Application for Review of Decision 20272-D01-2016 ATCO Electric Ltd. 2015-2017 Transmission General Tariff Application, Proceeding 22094, March 16, 2017.

⁵ Decision 22566-D01-2017: ATCO Electric Ltd. Application for Review of Decision 20272-D01-2016 ATCO Electric Ltd. 2015-2017 Transmission General Tariff Application Costs Award, Proceeding 22566, October 5, 2017.

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

Bennett Jones LLP

11. ATCO Electric was represented by Bennett Jones LLP in the original proceeding. The fees claimed by ATCO Electric for the legal services provided by Mr. Loyola Keough and Ms. Deirdre Sheehan relate to drafting ATCO Electric’s submissions, reviewing IRs, drafting argument and reply argument and reviewing intervener argument and reply argument.

12. The Commission finds that the services performed by Bennett Jones LLP were directly and necessarily related to ATCO Electric’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 ATCO Electric’s claim for legal fees for Bennett Jones LLP in the amount of \$19,092.50 and disbursements of \$115.50 for a total of \$19,208.50.

2.2 Consumers’ Coalition of Alberta

13. The following table summarizes the CCA’s costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
CCA							
Wachowich & Company	4.30	0.00	2.15	\$2,257.50	\$0.00	\$112.88	\$2,307.38
Bema Enterprises	35.35	0.00	33.20	\$16,258.00	\$0.00	\$812.90	\$17,070.90
Total	39.65	0.00	35.35	\$18,515.50	\$0.00	\$925.78	\$19,441.28

14. 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

15. The CCA was represented by Wachowich & Company in the original proceeding. The fees claimed by the CCA for the legal services provided by Mr. James Wachowich relate to drafting IRs, reviewing IR responses and reviewing draft argument and reply argument.

16. 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 fees for Wachowich & Company in the amount of \$2,257.50 and GST of \$112.88 for a total of \$2,307.38.

Bema Enterprises

17. Bema Enterprises Ltd. (Bema) 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. Dan Levson, Mr. Dustin Madsen, Mr. Michael Olson and Ms. Nancy Thomas relate to

drafting IRs, reviewing IR responses, drafting argument and reply argument and reviewing ATCO Electric's argument and reply argument.

18. The Commission finds that the services performed by Bema 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 consulting fees for Bema in the amount of \$16,258.00 and GST of \$812.90 for a total of \$17,070.90.

Total amount awarded

19. For the reasons provided above, the Commission approves the CCA's claim for recovery of costs in the total amount of \$19,441.28. This amount is composed of legal fees of \$2,257.50, consulting fees of \$16,258.00 and GST of \$925.78.

3 Order

20. It is hereby ordered that:

- 1) ATCO Electric Ltd. (transmission) shall pay external costs in the amount of \$19,208.50.
- 2) ATCO Electric Ltd. (transmission) shall pay intervener costs to the Consumers' Coalition of Alberta in the amount of \$19,441.28.
- 3) ATCO Electric Ltd. (transmission) shall record in its Hearing Cost Provision Account approved external and intervener costs in the amount of \$38,649.28.

Dated on January 12, 2018.

Alberta Utilities Commission

(original signed by)

Mark Kolesar
Vice-Chair