



EPCOR Energy Alberta GP Inc.

2018-2020 Regulated Rate Tariff Compliance Filing

Costs Award

July 17, 2019

Alberta Utilities Commission

Decision 24581-D01-2019

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Published by the:

Alberta Utilities Commission

Eau Claire Tower

1400, 600 Third Avenue S.W.

Calgary, Alberta T2P 0G5

Telephone: 310-4AUC (310-4282 in Alberta)

1-833-511-4AUC (1-833-511-4282 outside Alberta)

Email: info@auc.ab.ca

Website: www.auc.ab.ca

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Alberta Utilities Commission
Calgary, Alberta

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1 Introduction

1. In this decision, the Alberta Utilities Commission considers an application by EPCOR Energy Alberta GP Inc. (EEA) for approval and payment of its costs of participation in Proceeding 24034¹ (the original proceeding).

2. 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
EEA								
Borden Ladner Gervais LLP	\$16,023.00	\$18.30	\$0.00	\$16,041.30	\$16,023.00	\$18.30	\$0.00	\$16,041.30
Fasken Martineau DuMoulin LLP	\$3,654.00	\$12.00	\$0.00	\$3,666.00	\$3,654.00	\$12.00	\$0.00	\$3,666.00
Total	19,677.00	\$30.30	\$0.00	\$19,707.30	19,677.00	\$30.30	\$0.00	\$19,707.30
Total of all amounts claimed and awarded				\$19,707.30				\$19,707.30

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

4. The original proceeding was convened by the Commission to consider an application from EEA for approval of its compliance filing to Decision 22853-D01-2018,² regarding its 2018-2020 regulated rate tariff non-energy revenue requirement. The proceeding consisted of information requests (IRs) and responses to IRs, submissions on the need for further process, submissions on the confidential treatment of certain documents, argument and reply argument. The close of record for the original proceeding was April 15, 2019, and the Commission issued Decision 24034-D01-2019,³ on July 9, 2019.

5. EEA submitted its costs claim application on May 15, 2019, within the 30-day timeline permitted by the Commission's rules. The Commission assigned Proceeding 24581 and Application 24581-A001 to the costs claim application. No comments were filed with respect to the costs claim application, and the Commission considers the close of record for this proceeding to be May 22, 2019, the deadline for filing comments.

¹ Proceeding 24034: EPCOR Energy Alberta GP Inc. 2018-2020 Regulated Rate Tariff Compliance Filing.

² Decision 22853-D01-2018: EPCOR Energy Alberta GP Inc. 2018-2020 Non-Energy Regulated Rate Tariff Application, Proceeding 22853, October 4, 2018.

³ Decision 24034-D01-2019: EPCOR Energy Alberta GP Inc. 2018-2020 Regulated Rate Tariff Compliance Filing, Proceeding 24034, July 9, 2019.

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 by eligible participants for costs incurred in connection with 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*. This rule allows the Commission to consider, among other things, whether 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 EPCOR Energy Alberta GP Inc.

7. The following table summarizes EEA's costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
EEA							
Borden Ladner Gervais LLP	18.40	0.00	33.40	\$16,023.00	\$18.30	\$0.00	\$16,041.30
Fasken Martineau DuMoulin LLP	12.50	0.00	0.00	\$3,654.00	\$12.00	\$0.00	\$3,666.00
Total	30.90	0.00	33.40	\$19,677.00	\$30.30	\$0.00	\$19,707.30

8. The Commission finds that EEA acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues.

2.1.1 Fasken Martineau DuMoulin LLP

9. EEA retained Fasken Martineau to provide legal services in the original proceeding. Services provided by Fasken Martineau were performed by Mr. Christopher Bystrom and Ms. Hannah Roskey and relate to reviewing application materials, formulating recommended positions with respect to the content of the application and ensuring compliance with Commission directions. Legal services were provided to EEA up to and including December 18, 2019.

10. The Commission finds that the services performed by Fasken Martineau were directly and necessarily related to EEA's participation in the original proceeding, and that the fees and the disbursements for photocopying, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves EEA's claim for legal fees for Fasken in the amount of \$3,654.00 and disbursements of \$12.00 for a total of \$3,666.00.

2.1.2 Borden Ladner Gervais LLP

11. Effective January 2019, EEA retained Borden Ladner Gervais as external legal counsel for the original proceeding. Services provided by Borden Ladner Gervais were performed by Mr. Jonathan Liteplo and Mr. Jordan Hulecki and relate to revising EEA's responses to IRs, advising on process steps and confidentiality issues and drafting argument and reply argument.

12. The Commission has reviewed the invoices filed by EEA in its costs claim application. The Commission is satisfied that EEA's change in legal representation did not result in a

duplication of effort. The Commission finds that the services performed by Borden Ladner Gervais were directly and necessarily related to EEA's participation in the original proceeding, and that the fees and the disbursements for photocopying, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves EEA's claim for legal fees for Borden Ladner Gervais in the amount of \$16,023.00 and disbursements of \$18.30 for a total of \$16,041.30.

2.1.3 Total costs awarded

13. For the reasons provided above, the Commission approves EEA's claim for recovery of costs in the total amount of \$19,707.30. This amount is composed of legal fees of \$19,677.00 and disbursements of \$30.30.

3 Order

14. It is hereby ordered that:

- (1) EPCOR Energy Alberta GP Inc. shall pay external costs in the total amount of \$19,707.30.
- (2) EPCOR Energy Alberta GP Inc. shall record in its Hearing Cost Reserve Account approved external costs in the amount of \$19,707.30.

Dated on July 17, 2019.

Alberta Utilities Commission

(original signed by)

Henry van Egteren
Panel Chair