



May 29, 2008

Alberta Utilities Commission
Fifth Avenue Place
425 – 1st Street SW
Calgary, AB T2P 3L8

Attention: Mr. Douglas A. Larder, Q.C.

RE: Follow up from May 20th, 21st Meetings and AUC Bulletin 2008-05

As follow up from the May 20th and 21st meetings regarding the AUC initiated *Review of Rule 022 Rules on Intervener Costs* and in anticipation of the issuance of the revised Rule 022 effective June 30th, 2008, the ATCO Utilities are pleased to provide the following comments relative to the topics outlined in AUC Bulletin 2008-05 and the discussion at the meetings.

1. What is the purpose of intervener cost awards

The ATCO Utilities submit it's important that the revised Rule 022 clearly state the purpose of intervener cost awards. That is, subject to confirmation by the Commission that costs were prudently incurred and not duplicative, whether the intent of the award is to compensate the intervener for a portion of their prudently incurred costs, or, subject to the same confirmation whether the intent is compensate the intervener for all of their prudently incurred costs.

2. Role of the Utilities Consumer Advocate (UCA)

In addition to the concerns we outlined in our letter of April 14th regarding the governance structure adopted with representation from the shareowners and industry groups representing municipal and co-op utilities and, the potential issues with regard to business interests being forwarded through the intervention role which could result, we highlight the disparity that exists with regard to funding for this intervener versus all other interveners and applicants.



Letter to: Alberta Utilities Commission
May 29, 2008
Page 2 of 2

3. Business Interest Rule

As did a number of other applicants, the ATCO Utilities reiterate that under the Business Interest Rule, where a utility is obligated to represent themselves and their customers at hearings which may have an impact on the existing or future regulatory environment in which they are required to operate, the utility should be eligible to recover its prudently incurred costs in full. The Business Interest Rule needs to recognize the difference between a party appearing at a hearing to advance its interests as opposed to being statutorily required to appear and represent their customers and shareholders to ensure they're not detrimentally impacted.

We appreciate the opportunity to provide further comments on this review and look forward to the issuance of the revised Rule 022.

Sincerely,

Michael Gillis, P. Eng
Manager, Regulatory
ATCO Utilities Business Group

File: 2008-05-29 ATCO Ltr - Comments Rule 022