

Rule 015

Rules on Costs of Investigations, Hearings or Other Proceedings Relating to Contraventions

The Alberta Utilities Commission (AUC/Commission) has approved amendments to this rule on September 30, 2008.

Definitions

- 1** In these rules,
- (a) “Act” means the *Alberta Utilities Commission Act*,
 - (b) “Commission” means the Alberta Utilities Commission.

Costs

2 These rules apply to the costs of an investigation and hearing or other proceeding resulting in the determination by the Commission that a person contravened the Act or the regulations, or any other enactment under the jurisdiction of the Commission, or any order, decision of the Commission, Commission rule or ISO rule.

Application for Costs

3 Within 30 calendar days after the Commission has issued its determination that a contravention has occurred, the Market Surveillance Administrator may apply to the Commission for an order for costs of the investigation and hearing or other proceeding against the person determined to be in contravention.

Content of Application

- 4** An application for costs under section 3 must set out the following costs, fees and expenses incurred in connection with the investigation and hearing or other proceeding against the person determined to be in contravention:
- (a) investigators’, analysts’, auditors’, other professionals’ fees, whether these persons are in the employment of the Market Surveillance Administrator or retained by the Market Surveillance Administrator, and expenses incurred in carrying out any inquiries or investigations;
 - (b) any fees, costs and expenses incurred for the hearing or other proceeding including:

- (i) fees and expenses of all witnesses, including experts;
- (ii) costs, fees and expenses incurred in preparing and serving any documents on any person;
- (iii) court reporter fees and charges for transcripts;
- (iv) fees and expenses of the counsel for the Market Surveillance Administrator;
- (v) any other reasonable and direct costs, fees or expenses of the investigation or hearing or other proceeding.

Scale of Costs

5 The fees and costs applied for under section 3 and section 6 must be in accordance with the Scale of Costs set out in the schedule, unless unique circumstances exist which warrant applying for a higher fee than set out in the Scale of Costs.

Application for Costs of Commission

6 Within 30 days after the Commission has issued its determination that a contravention has occurred, the Chief Executive of the Commission may apply to the Commission for an order for costs of the Commission of the hearing or other proceeding against the person determined to be in contravention.

Reasonable and Directly Related Costs

7 An application for costs under section 6 must set out the reasonable and directly related costs of the hearing or proceeding incurred by the Commission, including staff time or experts retained for the purposes of the hearing or other proceeding to prepare and attend the hearing or other proceeding, disbursements for court reporters, transcripts, and hearing room.

Hearing

8 In accordance with section 66 of the Act, the Commission may hear and determine the application for costs under section 3 or 6 and issue an order awarding reasonable and directly related costs to the Market Surveillance Administrator or to the Chief Executive of the Commission, payable by the person determined to be in contravention, within 30 days of the issuance of the order.

Schedule Scale of Costs

1. Professional Fees

Legal Fees

Articling students \$140.00/hour
1-4 years at the bar \$240.00/hour
5-7 years at the bar \$280.00/hour
8-12 years at the bar \$320.00/hour
More than 12 years at the bar \$350.00/hour

Legal fees are deemed to include all overhead charges implicit in the normal operation of a law firm. The Commission will not award legal fees for secretarial/support staff work. The fees for this work must be claimed as secretarial/staff support fees.

Fees of Consultants, Analysts, and Experts

1-4 years' experience \$120.00/hour
5-7 years' experience \$160.00/hour
8-12 years' experience \$230.00/hour
More than 12 years' experience \$270.00/hour

The Commission recognizes that the above professionals may not include the costs of secretarial work in their fees and thus may recognize a claim for secretarial or clerical services. However, the Commission will not recognize claims for overhead based upon percentages of the fees or disbursements claimed.

Fees for Secretarial/Support Staff

Secretarial/support staff \$45.00/hour

2. Disbursements

Actual costs unless otherwise provide for below.

Personal Disbursements

The Commission will consider claims for the following personal disbursements:

The daily rate set by the Government of Alberta for meals
Actual cost of accommodation
Mileage charge of \$0.46/km (including GST)
Airfare at economy rates or less.