



AUC

Alberta Utilities Commission

ATCO Gas, a division of ATCO Gas and Pipelines Ltd.

North Load Balancing Rate Rider

Costs Award

July 11, 2013



The Alberta Utilities Commission

Decision 2013-256: ATCO Gas, a division of ATCO Gas and Pipelines Ltd.,
North Load Balancing Rate Rider

Costs Award

Application No. 1609409

Proceeding ID No. 2513

July 11, 2013

Published by

The Alberta Utilities Commission

Fifth Avenue Place, Fourth Floor, 425 First Street S.W.

Calgary, Alberta

T2P 3L8

Telephone: 403-592-8845

Fax: 403-592-4406

Web site: www.auc.ab.ca

Contents

1	INTRODUCTION.....	1
2	ASSESSMENT OF COSTS CLAIMS	1
3	COMMISSION FINDINGS	2
	3.1 The Consumers' Coalition of Alberta's costs claim	2
4	GST.....	2
5	ORDER	3

1 Introduction

1. On December 7, 2012, ATCO Gas, a division of ATCO Gas and Pipelines Ltd. (ATCO Gas), filed an application with the Alberta Utilities Commission (the Commission) requesting approval to recover the North load balancing deferral account (North deferral account) balance of approximately \$6.0 million through a load balancing rate rider designated as Rider L. ATCO Gas requested that Rider L be applied to North low, mid, and high use customers in the months of February and March 2013. This application was registered as Proceeding ID No. 2290.
2. ATCO Gas explained that it would record Rider L directly to the existing North deferral account. Any difference between what is actually recovered from customers through Rider L and what was approved to be recovered will remain in the existing North deferral account. ATCO Gas stated that for current period costs, any differences between estimates and actual amounts and associated carrying costs would also be recorded in the existing North deferral account
3. On December 10, 2012, the Commission issued a notice of application and received statements of intent to participate from the Office of the Utilities Consumer Advocate and the Consumers' Coalition of Alberta (CCA).
4. The Commission considers the record for Proceeding No. 2290 closed on February 20, 2013 and the Commission issued Decision [2013-106¹ on March 20, 2013.](#)
5. On March 21, 2013 the CCA submitted its costs claim to the Commission which was registered as Proceeding ID No. 2513.
6. On April 16, 2013, the Commission circulated a summary of the applied for costs related to Proceeding ID No. 2513 to interested parties. Parties were advised that any comments regarding figures listed in the summary, or the merits of the total costs claimed, were to be filed by April 30, 2013. No comments were received from parties regarding the summary of costs.
7. The Commission considers the close of record for this proceeding to be April 30, 2013.

2 Assessment of costs claims

8. When assessing costs claims pursuant to Section 21 of the *Alberta Utilities Commission Act*, the Commission applies AUC [Rule 022: Rules on Intervener Costs in Utility Rate](#)

¹ Decision 2013-106: ATCO Gas, North Load Balancing Rate Rider, Application No. 1609109, Proceeding ID No. 2290, March 20, 2012.

Proceedings (Rule 022). Rule 022 also prescribes a *Scale of Costs* applicable to all costs claimed.

9. In exercising its discretion to award costs, the Commission will in accordance with Section 11 of Rule 022 consider whether an eligible participant's costs are reasonable and directly and necessarily related to the proceeding; and whether the eligible participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Commission. To the extent reasonably possible, the Commission will be mindful of a participant's willingness to co-operate with the Commission and other participants to promote an efficient and cost-effective proceeding.

10. As the costs of a utility proceeding are generally passed on to customers, it is the Commission's duty to ensure that the customers receive fair value for a party's contribution. The Commission only approves those costs that are reasonable and directly and necessarily related to the party's participation in the proceeding.

3 Commission findings

3.1 The Consumers' Coalition of Alberta's costs claim

11. The CCA submitted a costs claim totalling \$10,265.23. The claim is comprised of consulting fees for Regulatory Services Inc. in the amount of \$8,375.00, disbursements of \$18.90 and GST of \$419.70; legal fees for Wachowich & Company in the amount of \$1,382.50 and GST of \$69.13.

12. The Commission has considered the costs claim submitted by the CCA bearing in mind the principles specified in the Commission's *Scale of Costs*, as set out in Appendix A to Rule 022. The Commission finds that the CCA acted responsibly in the proceeding and contributed to a better understanding of the issues before the Commission and that the hours incurred are reasonable given the scope of the CCA's participation in the proceeding. The Commission notes that the claim for professional fees is in accordance with the *Scale of Costs*. The Commission finds that the costs claimed are reasonable and directly and necessarily related to Proceeding ID No. 2290. Accordingly, the Commission approves the CCA's claim for fees and GST in the total amount of \$10,265.23.

4 GST

13. In accordance with the Commission's treatment of GST on cost awards, ATCO Gas is required to pay only that portion of GST paid by interveners that may not be recoverable through the GST credit mechanism. Eligible GST approved by the Commission amounts to \$488.83.

14. The Commission emphasizes that its treatment of the GST claim in no way relieves participants or their consultants from their GST obligations pursuant to the *Excise Tax Act*, R.S.C. 1985, c. E-15.

5 Order

15. It is hereby ordered that:

- (1) ATCO Gas shall pay intervener costs to the Consumers' Coalition of Alberta in the amount of \$10,265.23.
- (2) ATCO Gas shall record the approved costs of \$10,265.23 in its Hearing Costs Reserve Account.

Dated on July 11, 2013.

The Alberta Utilities Commission

(original signed by)

Kay Holgate
Duty Commissioner