



# ATCO Gas North and South

2008 Interim Rates

Cost Awards

**ALBERTA ENERGY AND UTILITIES BOARD**

Utility Cost Order 2008-010: ATCO Gas North and South  
2008 Interim Rates

Application No. 1544977

Cost Application No. 1553323

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# ALBERTA ENERGY AND UTILITIES BOARD

Calgary, Alberta

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## 1 INTRODUCTION

On November 5, 2007 ATCO Gas (AG) filed an application with the Alberta Energy and Utilities Board (EUB or Board) for approval of interim refundable rates for ATCO Gas North (AGN) and ATCO Gas South (AGS) effective January 1, 2008.

The Board considered the application by way of a written process. The panel assigned to consider the application consisted of Mr. B. T. McManus, Q.C., (Presiding Member), Ms. C. Dahl Rees, LL.B. (Member), and Mr. M. W. Edwards (Acting Member). The Board considered the record to have closed on December 3, 2007. On December 19, 2007 the Board issued Decision [2007-105](#).

On January 23, 2008, summaries of the costs being claimed were circulated to interested parties. Parties were advised that any comments regarding the figures listed in the summaries or the merits of the total costs claimed were to be filed by January 30, 2008. The Board did not receive any comments. Accordingly, the Board considers, for the purposes of this Cost Order, the cost process to have closed on January 30, 2008.

## 2 VIEWS OF THE BOARD – Authority to Award Costs

The Board's authority to award costs is derived from section 68 of the *Public Utilities Board Act*, R.S.A. 2000, c. P-45, which states in part:

- (1) The costs of and incidental to any proceeding before the Board, except as otherwise provided for in this Act, are in the discretion of the Board, and may be fixed in any case at a sum certain or may be taxed.

...

- (3) The Board may order by whom or to whom any costs are to be paid, and by whom they are to be taxed and allowed.

When assessing a cost claim pursuant to section 68, the Board is guided by Part 5 of its *Rules of Practice*, [AR 101/2001](#) and by the principles and policies expressed in Directive 031B, *Guidelines for Utility Cost Claims (Directive 031B)*. Before exercising its discretion to award costs, the Board must consider the effectiveness of a participant's contribution to the process, its relevance to the issues, and whether the costs claimed are fair and reasonable in light of the scope and nature of the issues in question.

In the Board's view, the responsibility to contribute positively to the process is inherent in the choice to intervene in a proceeding. The Board expects that those who choose to participate will prepare and present a position that is reasonable in light of the issues arising in the proceeding and necessary for the determination of those issues. When determining a cost award, the Board will consider if the participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Board. To the extent reasonably possible, the Board will be mindful of participants' willingness to co-operate with the Board and other participants to promote an efficient and cost-effective proceeding.

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

### **3 VIEWS OF THE BOARD – Assessment**

The Board received a cost claim from the Consumers' Coalition of Alberta (CCA) and Public Institutional Consumers of Alberta (PICA) in the amount of \$1,836.34 and \$1,757.50; respectively.

The Board has reviewed the costs submitted by the participants, bearing in mind the principles specified in the Board's *Scale of Costs* set out in Appendix C to [Directive 031B](#). The Board finds that the participation of the interveners was, for the most part, effective and of assistance in reviewing the Application. The Board notes the scope and complexity of the issues before it and the extent of the examination thereof. The Board also notes that the claims for professional fees and expenses were in accordance with the *Scale of Costs*. Accordingly, the Board considers the claims for fees, disbursements, and applicable GST for all participants to be reasonable as outlined in Tables 1 and 2 in [Appendix A](#) to this Order in the total amount of \$3,593.84.

### **4 GST**

In accordance with the Board's treatment of the GST on cost awards, AG is required to pay only that portion of the GST paid by interveners that may not be recoverable through the GST credit mechanism, accordingly where parties are eligible for a GST credit the Board has reduced this particular portion of their claim. Eligible GST approved by the Board amounts to \$103.94 as shown in column (g) of Tables 1 and 2 in [Appendix A](#). The GST allowed by the Board may also be charged against AG's Hearing Cost Reserve Account.

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

### **5 ORDER**

IT IS HEREBY ORDERED:

1. ATCO Gas North shall pay intervener costs in the amount of \$1,796.92, as set out in column (h) of Table 1 in [Appendix A](#).

2. ATCO Gas North shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$1,796.92, as set out in column (h) of Table 1 in [Appendix A](#).
3. ATCO Gas South shall pay intervener costs in the amount of \$1,796.92, as set out in column (h) of Table 2 in [Appendix A](#).
4. ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$1,796.92, as set out in column (h) of Table 2 in [Appendix A](#).

Dated in Calgary, Alberta on this 22nd day of February, 2008.

**ALBERTA ENERGY AND UTILITIES BOARD**

*<Original Signed By Thomas McGee>*

Thomas McGee  
EUB Board Member

## **APPENDIX A – SUMMARY OF COSTS CLAIMED AND AWARDED**



Appendix A

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**AG  
2008 Interim Rates  
(1544977)**

**Costs Claimed and Awarded**

Table 1	Total Fees Claimed (a)	Total Expenses Claimed (b)	Total GST Claimed (c)	Total Amount Claimed (d)	Total Fees Awarded (e)	Total Expenses Awarded (f)	Total GST Awarded (g)	Total Amount Awarded (h)
<b>APPLICANT</b>								
ATCO Gas North								
ATCO Gas North	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sub-Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>INTERVENERS</b>								
Consumers' Coalition of Alberta								
Regulatory Services, Inc.	\$855.00	\$11.20	\$51.97	\$918.17	\$855.00	\$11.20	\$51.97	\$918.17
Sub-Total	\$855.00	\$11.20	\$51.97	\$918.17	\$855.00	\$11.20	\$51.97	\$918.17
Public Institutional Consumers of Alberta								
Energy Management & Regulatory Consulting Ltd.	\$641.25	\$0.00	\$0.00	\$641.25	\$641.25	\$0.00	\$0.00	\$641.25
Nancy J. McKenzie Professional Corp.	\$237.50	\$0.00	\$0.00	\$237.50	\$237.50	\$0.00	\$0.00	\$237.50
Sub-Total	\$878.75	\$0.00	\$0.00	\$878.75	\$878.75	\$0.00	\$0.00	\$878.75
<b>TOTAL INTERVENER COSTS</b>								
	\$1,733.75	\$11.20	\$51.97	\$1,796.92	\$1,733.75	\$11.20	\$51.97	\$1,796.92
<b>TOTAL INTERVENER AND APPLICANT COSTS</b>								
	\$1,733.75	\$11.20	\$51.97	\$1,796.92	\$1,733.75	\$11.20	\$51.97	\$1,796.92

Table 2	Total Fees Claimed (a)	Total Expenses Claimed (b)	Total GST Claimed (c)	Total Amount Claimed (d)	Total Fees Awarded (e)	Total Expenses Awarded (f)	Total GST Awarded (g)	Total Amount Awarded (h)
<b>APPLICANT</b>								
ATCO Gas South								
ATCO Gas South	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sub-Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>INTERVENERS</b>								
Consumers' Coalition of Alberta								
Regulatory Services, Inc.	\$855.00	\$11.20	\$51.97	\$918.17	\$855.00	\$11.20	\$51.97	\$918.17
Sub-Total	\$855.00	\$11.20	\$51.97	\$918.17	\$855.00	\$11.20	\$51.97	\$918.17
Public Institutional Consumers of Alberta								
Energy Management & Regulatory Consulting Ltd.	\$641.25	\$0.00	\$0.00	\$641.25	\$641.25	\$0.00	\$0.00	\$641.25
Nancy J. McKenzie Professional Corp.	\$237.50	\$0.00	\$0.00	\$237.50	\$237.50	\$0.00	\$0.00	\$237.50
Sub-Total	\$878.75	\$0.00	\$0.00	\$878.75	\$878.75	\$0.00	\$0.00	\$878.75
<b>TOTAL INTERVENER COSTS</b>								
	\$1,733.75	\$11.20	\$51.97	\$1,796.92	\$1,733.75	\$11.20	\$51.97	\$1,796.92
<b>TOTAL INTERVENER AND APPLICANT COSTS</b>								
	\$1,733.75	\$11.20	\$51.97	\$1,796.92	\$1,733.75	\$11.20	\$51.97	\$1,796.92