



ATCO Gas

Retailer Service Part 3
Natural Gas Settlement System Code

Cost Awards



ALBERTA UTILITIES COMMISSION

Utility Cost Order 2008-059: ATCO Gas

Retailer Service Part 3

Natural Gas Settlement System Code

Application No. 1566825

Cost Application No. 1577062

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Fifth Avenue Place, 4th Floor, 425 - 1 Street SW

Calgary, Alberta

T2P 3L8

Telephone: (403) 592-8845

Fax: (403) 592-4406

Web site: www.auc.ab.ca

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1 INTRODUCTION

On March 28, 2008, ATCO Gas (AG) filed Application 1566825 (the Application) with the Alberta Utilities Commission (the Commission), requesting approval of a Natural Gas Settlement System Code (NGSSC0 as part of its Retailer Service implementation process. This Application is the latest in a series of several applications resulting from Application No. 1308709, ATCO Gas Retailer Service and Gas Utilities Act Compliance, which was filed with the Alberta Energy and Utilities Board on July 25, 2003.

The Commission considered the Application by way of a written process. Argument was received on May 20, 2008, from AG. The Commission received a letter from AG on June 9, 2008, indicating that it would not be providing Reply Argument since no other parties provided Argument. The Commission considers that the record have closed on June 9, 2008.

On August 19, 2008, the Commission issued Decision [2008-075](#).

On September 3, 2008, a summary of the costs being claimed was circulated to interested parties. Parties were advised that any comments regarding the figures listed in the summary or the merits of the total costs claimed were to be filed by September 10, 2008. The Commission did not receive any comments. Accordingly, the Commission considers, for the purposes of this Cost Order, the cost process to have closed on September 10, 2008.

2 VIEWS OF THE COMMISSION – AUTHORITY TO AWARD COSTS

When assessing a cost claim pursuant to section 21 of the AUC Act, the Commission applies Rule 022, *Rules on Intervener Costs* ([Rule 022](#)). Before exercising its discretion to award costs, the Commission must consider whether the participant acted responsibly and contributed to a better understanding of the issues before the Commission, and whether the costs claimed are reasonable and directly and necessarily related to the proceeding. The Commission considers these factors in light of the scope and nature of the issues in question.

In the Commission's view, the responsibility to contribute positively to the process is inherent in the choice to intervene in a proceeding. The Commission 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 Commission will consider if the 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 participants' willingness to co-operate with the Commission 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 Commission's duty to ensure that customers receive fair value for a party's contribution. As such, the Commission only approves those costs that are reasonable and directly and necessarily related to the party's participation in the proceeding.

3 VIEWS OF THE COMMISSION – ASSESSMENT

The Commission received one cost claim from AG totaling \$3,705.44. AG claims legal fees in the amount of \$150, and expenses in the amount of \$3,555.44. The cost claims were allocated equally amongst AG North and AG South.

The Commission has considered the costs submitted by the participants. The Commission finds that the participation of the applicant was, for the most part, effective and of assistance in reviewing the Application. The Commission notes the scope and complexity of the issues before it and the extent of the examination thereof. The Commission also notes that the claims for professional fees and other claims were in accordance with the *Scale of Costs*. Accordingly, the Commission considers the claims for fees, disbursements and applicable GST for all participants to be reasonable in the total amount of \$3,555.44.

4 GST

In accordance with the Commission'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 Commission has reduced this particular portion of their claim. Eligible GST approved by the Commission amounts to \$0.00.

The Commission 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 external costs in the amount of \$1,852.72 are approved.
2. ATCO Gas North shall record in its Hearing Cost Reserve Account the allowed external applicant costs in the amount of \$1,852.72.
3. ATCO Gas South external costs in the amount of \$1,852.72 are approved.
4. ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed external applicant costs in the amount of \$1,852.72.

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

ALBERTA UTILITIES COMMISSION

<Originally Signed By Carolyn Dahl Rees>

Carolyn Dahl Rees
Vice – Chair

<Originally Singed By Bill Lyttle>

Bill Lyttle
Commissioner

<Originally Signed By Tudor Beattie>

Tudor Beattie
Commissioner