



AltaGas Utilities Inc.

2005 Debenture Application

Cost Awards

ALBERTA ENERGY AND UTILITIES BOARD

Utility Cost Order 2006-027: AltaGas Utilities Inc.

2005 Debenture Application

Application No. 1426643

Cost Application No. 1454464

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ALBERTA ENERGY AND UTILITIES BOARD

Calgary, Alberta

**AltaGas Utilities Inc.
2005 Debenture Application**

**Utility Cost Order 2006-027
Application No. 1426643
Cost Application No. 1454464**

1 INTRODUCTION

On October 31, 2005, the Alberta Energy and Utilities Board (Board/EUB) received an application from AltaGas Utilities Inc. (AUI) pursuant to Section 26(2)(a)(ii) of the *Gas Utilities Act* (GUA), requesting authority and approval to issue to AltaGas Utility Holdings Inc.(AUHI) a 7.05% debenture in the principal amount of \$30,000,000.

The Board received interventions from the Office of the Utilities Consumer Advocate (UCA), Alberta Irrigation Projects Association (AIPA), and the Consumers Coalition of Alberta (CCA).

The Board considered the application by way of a written process and on May 24, 2006 issued Decision [2006-049](#). The Panel assigned to consider this matter consisted of R. G. Lock, P.Eng. (Presiding Member), G. Miller(Member), and M. L. Asgar-Deen, P.Eng. (Acting Member).

On April 3, 2006, 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 April 17, 2006. 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 April 17, 2006.

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' will 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.

The Board received cost claims from AUI, AIPA, and the CCA totalling \$30,331.31 including actual GST of \$373.63 with respect to the Proceeding.

3 VIEWS OF THE BOARD

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 other claims 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 [Appendix A](#) to this Order in the total amount of \$30,331.31.

4 GST

In accordance with the Board's treatment of the GST on cost awards, AUI 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 \$373.63 as shown in column (g) of [Appendix A](#). The GST allowed by the Board may also be charged against AUI'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. AltaGas Utilities Inc. shall pay intervener costs in the amount of \$11,262.63, as set out in column (h) of [Appendix A](#).

2. AltaGas Utilities Inc.'s external costs in the amount of \$19,068.68, as set out in column (h) of [Appendix A](#), are approved.
3. AltaGas Utilities Inc. shall record in its Hearing Cost Reserve Account the allowed external applicant and intervener costs in the amount of \$30,331.31, as set out in column (h) of [Appendix A](#).

Dated in Calgary, Alberta on this 26th day of June, 2006.

ALBERTA ENERGY AND UTILITIES BOARD

<Original Signed by Thomas McGee>

Thomas McGee
Board Member

APPENDIX A – SUMMARY OF COSTS CLAIMED AND AWARDED



Appendix A

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**AltaGas
Cost Application No. 1454464**

**2005 Debenture Application
(1426643)**

Costs Claimed and Awarded

	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)
APPLICANT								
AltaGas Utilities Inc.								
MacPherson, Leslie, & Tyerman	\$15,467.00	\$190.68	\$0.00	\$15,657.68	\$15,467.00	\$190.68	\$0.00	\$15,657.68
McLennan Ross LLP	\$3,399.00	\$12.00	\$0.00	\$3,411.00	\$3,399.00	\$12.00	\$0.00	\$3,411.00
Sub-Total	\$18,866.00	\$202.68	\$0.00	\$19,068.68	\$18,866.00	\$202.68	\$0.00	\$19,068.68
INTERVENERS								
Alberta Irrigation Projects Association								
Unryn & Associates Ltd.	\$5,551.50	\$0.00	\$0.00	\$5,551.50	\$5,551.50	\$0.00	\$0.00	\$5,551.50
Sub-Total	\$5,551.50	\$0.00	\$0.00	\$5,551.50	\$5,551.50	\$0.00	\$0.00	\$5,551.50
Consumers' Coalition of Alberta								
Professional Regulatory Services, Inc.	\$5,337.50	\$0.00	\$373.63	\$5,711.13	\$5,337.50	\$0.00	\$373.63	\$5,711.13
Sub-Total	\$5,337.50	\$0.00	\$373.63	\$5,711.13	\$5,337.50	\$0.00	\$373.63	\$5,711.13
TOTAL INTERVENER COSTS	\$10,889.00	\$0.00	\$373.63	\$11,262.63	\$10,889.00	\$0.00	\$373.63	\$11,262.63
TOTAL INTERVENER AND APPLICANT COSTS	\$29,755.00	\$202.68	\$373.63	\$30,331.31	\$29,755.00	\$202.68	\$373.63	\$30,331.31