



AUC

Alberta Utilities Commission

**AltaGas Utilities Inc.
Errata to Decision 2012-197**

**Issue of Common Shares to
AltaGas Utility Holdings Inc.**

Costs Awards

September 14, 2012

The Alberta Utilities Commission

Decision 2012-197(Errata): AltaGas Utilities Inc.
Issue of Common Shares to AltaGas Utility Holdings Inc.
Costs Awards
Application No. 1608534
Proceeding ID No. 1939

September 14, 2012

Published by

The Alberta Utilities Commission
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AltaGas Utilities Inc.
Issue of Common Shares to
AltaGas Utility Holdings Inc. Costs Awards

Decision 2012-197 (Errata)
Application No. 1608534
Proceeding ID No. 1939

1 Introduction and background

1. On July 24, 2012, the Alberta Utilities Commission (AUC or Commission) issued costs award Decision 2012-197. Part 3, paragraph 11 of that decision contained an error regarding the legal experience of Mr. Clark of MacPherson Leslie & Tyerman LLP and awarded him \$320.00 rather than \$350.00 an hour being legal counsel with 12 or more years experience according to the AUC's *Scale of Costs*.

2. Further to Section 48 of AUC Rule 001: *Rules of Practice* this errata decision is issued to correct the error.

3. Paragraph 11 of Decision 2012-197 has been amended to correct the amount of fees awarded to Mr. Clark of MacPherson Leslie & Tyerman LLP. Attached to this errata decision is the amended and corrected costs award Decision 2012-197.

Dated on September 14, 2012.

The Alberta Utilities Commission

(original signed by)

Bill Lyttle
Commission Member



AUC

Alberta Utilities Commission

AltaGas Utilities Inc.

**Issue of Common Shares to
AltaGas Utility Holdings Inc.**

Costs Awards

August 29, 2012



The Alberta Utilities Commission

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Issue of Common Shares to AltaGas Utility Holdings Inc.

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Contents

1	Introduction.....	1
2	Views of the Commission – authority to award costs	1
3	Commission findings.....	2
4	Order	2

1 Introduction

1. On May 11, 2012, AltaGas Utilities Inc. (AUI) applied to the Alberta Utilities Commission (AUC or Commission) under Section 26(2)(a) of the *Gas Utilities Act*, RSA 2000, c. G-5, for approval and authorization to issue up to 201,543 Class A common shares at a price of \$34.7320 per share to AltaGas Utility Holdings Inc. for the maximum aggregate consideration of \$7,000,000.
2. The Commission issued a notice of application on May 15, 2012, advising interested parties to file a statement of intent to participate (SIP) to the Commission no later than May 29, 2012. No SIPs were filed.
3. On May 23, 2012, AUI submitted an officer's certificate, dated May 9, 2012, and a certificate of compliance from Industry Canada in further support of the application.
4. After reviewing the application, the Commission determined that no additional information was required to make a determination. On June 4, 2012, the Commission issued Decision [2012-152](#)¹ approving the application.
5. On June 11, 2012, AUI submitted its costs claim, before the costs submission deadline of June 29, 2012.
6. On July 3, 2012, the Commission circulated a summary of costs being claimed by AUI to interested parties. Parties were advised that any comments regarding the figures listed in the summary or the merits of the costs being claimed were to be filed by July 17, 2012. The Commission did not receive any comments regarding the costs claimed in this proceeding. Accordingly, the Commission considers the costs process to have closed on July 17, 2012.

2 Views of the Commission – authority to award costs

7. When assessing costs claims pursuant to Section 21 of the *Alberta Utilities Commission Act*, the Commission applies the AUC Rule 022: *Rules on Intervener Costs in Utility Rate Proceedings* (Rule 022). Rule 022 prescribes a *Scale of Costs* applicable to the costs claimed.
8. In exercising its direction 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

¹ Decision 2012-152: AltaGas Utilities Inc. Issue of Common Shares to AltaGas Utility Holdings Inc., Application No. 1608446, Proceeding ID No. 1880, Released: June 4, 2012.

the proceeding. The Commission considers these factors in light of the scope and nature of the issues in question.

9. 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. 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 Commission findings

10. AUI submitted a costs claim totalling \$2,671.62. The claim is comprised of MacPherson Leslie & Tyerman LLP legal fees in the amount of \$2,619.00, and disbursements in the amount of \$52.62.

11. The Commission has considered the costs claim submitted by AUI 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 hours incurred are reasonable for the tasks described in the costs claim. The Commission notes that the claim for professional fees and disbursements are in accordance with the *Scale of Costs*. Accordingly, the Commission considers AUI's claim for fees and disbursements reasonable and approves the total amount of \$2,671.62.

4 Order

12. It is hereby ordered that:

- (1) AltaGas Utilities Inc. shall pay external costs in the amount of \$2,671.62, as set out in column (h) of Appendix A.

Dated on August 29, 2012.

The Alberta Utilities Commission

(original signed by)

Bill Lyttle
Commission Member

Total Costs Claimed/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)
APPLICANTS								
AltaGas Utilities Inc.								
MacPherson Leslie & Tyerman LLP	\$2,619.00	\$52.62	\$0.00	\$2,671.62	\$2,619.00	\$52.62	\$0.00	\$2,671.62
Sub-Total	\$2,619.00	\$52.62	\$0.00	\$2,671.62	\$2,619.00	\$52.62	\$0.00	\$2,671.62
Amount to be recoded in Hearing Costs Reserve Account	\$2,619.00	\$52.62	\$0.00	\$2,671.62	\$2,619.00	\$52.62	\$0.00	\$2,671.62
TOTAL IAPPLICANT COSTS								
	\$2,619.00	\$52.62	\$0.00	\$2,671.62	\$2,619.00	\$52.62	\$0.00	\$2,671.62