



ATCO Gas North ATCO Gas South

2003-2004 General Rate Application
Phase II
Rates as Final Compliance Filing

Cost Awards

ALBERTA ENERGY AND UTILITIES BOARD

Utility Cost Order 2006-047: ATCO Gas North & South
2003-2004 General Rate Application Phase II

Rates as Final Compliance Filing

Application No. 1470234

Cost Application No.: 1477546

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ALBERTA ENERGY AND UTILITIES BOARD

Calgary, Alberta

ATCO Gas North and South
2003-2004 General Rate Application Phase II
Rates as Final Compliance Filing

Utility Cost Order 2006-047
Application No. 1470234
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1 INTRODUCTION

The Alberta Energy and Utilities Board (EUB/Board) received a compliance application from ATCO Gas on July 14, 2006 for the approval of interim rates and rate riders as directed in [Decision 2006-062](#).

The Board dealt with the matter by way of a written process and was considered by panel members B.T. McManus, Q.C., J. I. Douglas, and Gordon J. Miller. On July 26, 2006, the Board issued [Decision 2006-078](#).

On September 7, 2006, 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 September 22, 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 September 22, 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.

3 VIEWS OF THE BOARD - Assessment

The Board received a cost claim from the Alberta Urban Municipalities Association/City of Edmonton (AUMA) in the amount of \$2,635.90 and a cost claim from the Consumers' Coalition of Alberta (CCA) in the amount of \$1,117.45 for a combined total of \$3,753.35. The cost claims have been allocated equally between ATCO Gas North (AGN) and ATCO Gas South (AGS).

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](#) (AGN) in the total amount of \$1,876.55 and [Appendix B](#) (AGS) in the total amount of \$1,876.80.

4 GST

In accordance with the Board's treatment of the GST on cost awards, AGN and AGS are 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 \$106.10 as shown in column (g) of [Appendix A](#) and \$106.35 as shown in column (g) of [Appendix B](#). The GST allowed by the Board may also be charged against each Applicant's respective 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 \$1,876.55, as set out in column (h) of [Appendix A](#).
2. ATCO Gas North shall record in its Hearing Cost Reserve Account the intervener costs in the amount of \$1,876.55, as set out in column (h) of [Appendix A](#).
3. ATCO Gas South shall pay intervener costs in the amount of \$1,876.80, as set out in column (h) of [Appendix B](#).
4. ATCO Gas South shall record in its Hearing Cost Reserve Account the intervener costs in the amount of \$1,876.80 as set out in column (h) of [Appendix B](#).

Dated in Calgary, Alberta on this 2nd day of October, 2006.

ALBERTA ENERGY AND UTILITIES BOARD

<Original Signed by Thomas McGee>

Thomas McGee
Board Member

APPENDIX A – Summary of Costs Claimed and Awarded (AGN)



Appendix A (AGN)

APPENDIX B – Summary of Costs Claimed and Awarded (AGS)



Appendix B (AGS)

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ATCO Gas North

2003/2004 GRA Phase II
 Compliance Filing
 App. No. 1470234
 Cost App. No. 1477546

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								
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
INTERVENERS								
Alberta Urban Municipalities Association / Edmonton								
Bryan & Company	\$712.50	\$0.35	\$42.77	\$755.62	\$712.50	\$0.35	\$42.77	\$755.62
Robert L. Bruggeman Regulatory Consulting Ltd.	\$525.00	\$5.50	\$31.83	\$562.33	\$525.00	\$5.50	\$31.83	\$562.33
Sub-Total	\$1,237.50	\$5.85	\$74.60	\$1,317.95	\$1,237.50	\$5.85	\$74.60	\$1,317.95
Consumers' Coalition of Alberta								
Professional Regulatory Services, Inc.	\$525.00	\$2.10	\$31.50	\$558.60	\$525.00	\$2.10	\$31.50	\$558.60
Sub-Total	\$525.00	\$2.10	\$31.50	\$558.60	\$525.00	\$2.10	\$31.50	\$558.60
TOTAL INTERVENER COSTS								
	\$1,762.50	\$7.95	\$106.10	\$1,876.55	\$1,762.50	\$7.95	\$106.10	\$1,876.55
TOTAL INTERVENER AND APPLICANT COSTS								
	\$1,762.50	\$7.95	\$106.10	\$1,876.55	\$1,762.50	\$7.95	\$106.10	\$1,876.55

ATCO Gas South

2003/2004 GRA Phase II
 Compliance Filing
 App. No. 1470234
 Cost App. No. 1477546

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								
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
INTERVENERS								
Alberta Urban Municipalities Association / Edmonton								
Bryan & Company	\$712.50	\$0.35	\$42.77	\$755.62	\$712.50	\$0.35	\$42.77	\$755.62
Robert L. Bruggeman Regulatory Consulting Ltd.	\$525.00	\$5.50	\$31.83	\$562.33	\$525.00	\$5.50	\$31.83	\$562.33
Sub-Total	\$1,237.50	\$5.85	\$74.60	\$1,317.95	\$1,237.50	\$5.85	\$74.60	\$1,317.95
Consumers' Coalition of Alberta								
Professional Regulatory Services, Inc.	\$525.00	\$2.10	\$31.75	\$558.85	\$525.00	\$2.10	\$31.75	\$558.85
Sub-Total	\$525.00	\$2.10	\$31.75	\$558.85	\$525.00	\$2.10	\$31.75	\$558.85
TOTAL INTERVENER COSTS								
	\$1,762.50	\$7.95	\$106.35	\$1,876.80	\$1,762.50	\$7.95	\$106.35	\$1,876.80
TOTAL INTERVENER AND APPLICANT COSTS								
	\$1,762.50	\$7.95	\$106.35	\$1,876.80	\$1,762.50	\$7.95	\$106.35	\$1,876.80