



AltaLink Management Ltd.

Compliance Filing to Decision 2012-221

Costs Awards

October 19, 2012



The Alberta Utilities Commission

Decision 2012-286: AltaLink Management Ltd.

Compliance Filing to Decision 2012-221

Costs Award

Application Nos. 1608673 and 1608681

Proceeding ID No. 2035

October 19, 2012

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The Alberta Utilities Commission

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1 Introduction

1. On February 21, 2012, AltaLink Management Ltd. (AltaLink) filed its application (compliance filing application) with the Alberta Utilities Commission (Commission) reflecting the findings, conclusions and directions set out in Decision [2011-453](#)¹ and Decision [2011-474](#)². Notice of the compliance filing application was issued on February 23, 2012. In accordance with deadlines set out in the notice, statements of intent to participate were received and accepted from the following parties:

- ATCO Electric Ltd.
- The Consumers' Coalition of Alberta (CCA)
- ENMAX Power Corporation
- The Office of the Utilities Consumer Advocate (UCA)

2. The Commission directed a written process to consider the application and received written argument on June 11, 2012, and written reply argument on June 25, 2012, from AltaLink, the UCA and the CCA.

3. The Commission considers the record for this proceeding to have closed on June 25, 2012.

4. On August 17, 2012, the Commission issued Decision [2012-221](#)³.

5. On July 25, 2012, both AltaLink and the CCA filed their costs claims.

6. On July 26, 2012, the Commission circulated a summary of the costs being claimed to interested parties. Parties were requested to file any comments regarding the figures listed in the summary or the merits of the costs claimed by August 9, 2012. The Commission did not receive any comments. Accordingly, the Commission considers the costs process to have closed on August 9, 2012.

¹ Decision 2011-453: AltaLink Management Ltd. 2011-2013 General Tariff Application, Application No. 1606895, Proceeding ID No. 1021, Released: November 18, 2011.

² Decision 2011-474: 2011 Generic Cost of Capital, Application No. 1606549, Proceeding ID No. 833, Released: December 8, 2011.

³ Decision 2012-221: AltaLink Management Ltd. Re-filing Pursuant to Decision 2011-453 and Decision 2011-474, Application No. 1608178, Proceeding ID No. 1734, Released: August 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 AUC Rule 022: *Rules on Intervener Costs in Utility Rate Proceedings* (Rule 022). Rule 022 also prescribes a *Scale of Costs* applicable to costs claims.

8. In exercising its discretion to award costs, the Commission will, in accordance with Section 11 of Rule 022, consider whether an eligible 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.

9. In the Commission's view, the responsibility to contribute positively to the process is inherent 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. To the extent reasonably possible, the Commission will be mindful of participant's willingness to co-operate with the Commission and other participants to promote an efficient and cost-effective proceeding.

10. 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 Commission findings

3.1 AltaLink Management Ltd.'s costs claim

11. AltaLink submitted a costs claim totalling \$58,980.51. The claim is comprised of legal fees for Borden Ladner Gervais LLP in the amount of \$58,115.11 with disbursements of \$865.40.

12. The Commission has considered the costs claim submitted by AltaLink 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 is in accordance with the *Scale of Costs*. Accordingly, the Commission approves AltaLink's costs in the total amount of \$58,980.51.

3.2 Consumers' Coalition of Alberta's costs claim

13. The CCA submitted a costs claim totalling \$12,957.26. The claim is comprised of consulting fees for Regulatory Services Inc. in the amount of \$12,340.25 and GST of \$617.01.

14. The Commission has considered the costs claim submitted by the CCA 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 claims for professional fees are in accordance with the *Scale of Costs*. Accordingly, the Commission approves the CCA's costs in the total amount of \$12,957.26.

4 GST

15. In accordance with the Commission's treatment of GST on costs awards, AltaLink is required to pay only that portion of the GST paid by interveners that may not be recoverable through the GST credit mechanism. Eligible GST approved by the Commission amounts to \$617.01.

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

5 Order

17. It is hereby ordered that:

- (1) AltaLink Management Ltd. shall pay the Consumers' Coalition of Alberta's intervener costs in the amount of \$12,957.26, as set out in column (h) of Appendix A and shall record this amount in their hearing cost reserve account (USA account 928).
- (2) AltaLink Management Ltd. shall pay external costs in the amount of \$58,980.51, as set out in column (h) of Appendix A and shall record this amount in their hearing cost reserve account (USA account 928).

Dated on October 19, 2012.

The Alberta Utilities Commission

(original signed by)

Mark Kolesar
Vice-Chair

(original signed by)

Bill Lyttle
Commission Member

(original signed by)

Neil Jamieson
Commission Member

AltaLink Management Ltd.
 Compliance Filing to Decision 2012-221
 App No.(1608178)1608673,1608681
 Proc ID No. 2035
 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)
APPLICANT								
AltaLink Management Ltd.								
Borden Ladner Gervais LLP	\$58,115.11	\$865.40	\$0.00	\$58,980.51	\$58,115.11	\$865.40	\$0.00	\$58,980.51
Sub-Total	\$58,115.11	\$865.40	\$0.00	\$58,980.51	\$58,115.11	\$865.40	\$0.00	\$58,980.51
INTERVENER								
Consumers' Coalition of Alberta								
Regulatory Services Inc.	\$12,340.25	\$0.00	\$617.01	\$12,957.26	\$12,340.25	\$0.00	\$617.01	\$12,957.26
Sub-Total	\$12,340.25	\$0.00	\$617.01	\$12,957.26	\$12,340.25	\$0.00	\$617.01	\$12,957.26
TOTAL INTERVENER COSTS	\$12,340.25	\$0.00	\$617.01	\$12,957.26	\$12,340.25	\$0.00	\$617.01	\$12,957.26
TOTAL INTERVENER AND APPLICANT COSTS	\$70,455.36	\$865.40	\$617.01	\$71,937.77	\$70,455.36	\$865.40	\$617.01	\$71,937.77