



# AltaGas Utilities Inc.

Revision to Rate Rider E

Cost Awards

**ALBERTA ENERGY AND UTILITIES BOARD**

Utility Cost Order 2005-021 AltaGas Utilities Inc.

Revision to Rate Rider E

Application No. 1365047

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640 – 5 Avenue SW

Calgary, Alberta

T2P 3G4

Telephone: (403) 297-8311

Fax: (403) 297-7040

Web site: [www.eub.gov.ab.ca](http://www.eub.gov.ab.ca)

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# ALBERTA ENERGY AND UTILITIES BOARD

Calgary, Alberta

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**AltaGas Utilities Inc.  
Revision to Rate Rider E**

**Utility Cost Order 2005-021  
Application No. 1365047  
File No. 8000-1365047-01**

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## 1 INTRODUCTION

On October 15, 2004, AltaGas Utilities Inc. (AltaGas) filed an application (the Application) with the Alberta Energy and Utilities Board (EUB/Board) for approval to decrease Rate Rider “E” from 1.10 per cent to 1.03 per cent effective November 1, 2004.

On October 22, 2004, AltaGas responded to information requests from the Consumers Coalition of Alberta (CCA) and Municipal Gas and Co-op Interveners (MGCI), specifically with regards to identifying receipts and deliveries for 2002 through 2004 in order to verify various calculations made by AltaGas. No interveners opposed the proposed change to Altagas’ UFG rate.

On October 27, 2004 the Board issued Order [U2004-404](#).

On January 18, 2005, 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 February 2, 2005. The Board did not receive any comments. Accordingly, the Board considers, for the purposes of this Cost Order, the cost process closed on February 2, 2005.

## 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 Guide 31B, *Guidelines for Utility Cost Claims* ([Guide 31B](#)). 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**

Various participants submitted cost claims totaling \$2,025.03 including actual GST of \$132.48 with respect to the Proceeding.

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 [Guide 31B](#). 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 and disbursements for all participants to be reasonable as outlined in [Appendix A](#) to this Order in the total amount of \$1,972.53.

### **4 GST**

In accordance with the Board's treatment of the GST on cost awards, AltaGas 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 \$79.98 as shown in column (g) of [Appendix A](#). The GST allowed by the Board may also be charged against AltaGas' 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**

THEREFORE, for and subject to the reasons set out in this Order, the Alberta Energy and Utilities Board, pursuant to the provisions of the *Public Utilities Board Act* and regulations thereunder, HEREBY ORDERS AS FOLLOWS:

1. AltaGas Utilities Inc. shall pay intervener costs in the amount of \$1,972.53, as set out in column (h) of [Appendix A](#).

2. AltaGas Utilities Inc. shall record in its Hearing Cost Reserve Account the allowed external intervener costs in the amount of \$1,972.53, as set out in column (h) of [Appendix A](#).

Dated in Calgary, Alberta on this 18th day of April, 2005.

**ALBERTA ENERGY AND UTILITIES BOARD**

*Original Signed by Thomas McGee*

Thomas McGee  
Board Member

## APPENDIX A – SUMMARY OF COSTS CLAIMED AND AWARDED



UCO 2005-021  
Appendix A (AltaGas)

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**AltaGas  
1365047  
Revision to Rate Rider E**

**Summary of Total 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)
<b>APPLICANT</b>								
AltaGas Utilities Inc.								
AltaGas Utilities Inc.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Sub-Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>INTERVENERS</b>								
<b>Municipal and Gas Co-op Intervenors</b>								
Brownlee LLP	\$475.00	\$1.50	\$33.36	\$509.86	\$475.00	\$1.50	\$14.30	\$490.80
Campbell Ryder Consulting Group Ltd.	\$831.25	\$4.80	\$58.52	\$894.57	\$831.25	\$4.80	\$25.08	\$861.13
<b>Sub-Total</b>	<b>\$1,306.25</b>	<b>\$6.30</b>	<b>\$91.88</b>	<b>\$1,404.43</b>	<b>\$1,306.25</b>	<b>\$6.30</b>	<b>\$39.38</b>	<b>\$1,351.93</b>
<b>Consumers' Coalition of Alberta</b>								
Professional Regulatory Services, Inc.	\$580.00	\$0.00	\$40.60	\$620.60	\$580.00	\$0.00	\$40.60	\$620.60
<b>Sub-Total</b>	<b>\$580.00</b>	<b>\$0.00</b>	<b>\$40.60</b>	<b>\$620.60</b>	<b>\$580.00</b>	<b>\$0.00</b>	<b>\$40.60</b>	<b>\$620.60</b>
<b>TOTAL INTERVENER COSTS</b>	<b>\$1,886.25</b>	<b>\$6.30</b>	<b>\$132.48</b>	<b>\$2,025.03</b>	<b>\$1,886.25</b>	<b>\$6.30</b>	<b>\$79.98</b>	<b>\$1,972.53</b>
<b>TOTAL INTERVENER AND APPLICANT COSTS</b>	<b>\$1,886.25</b>	<b>\$6.30</b>	<b>\$132.48</b>	<b>\$2,025.03</b>	<b>\$1,886.25</b>	<b>\$6.30</b>	<b>\$79.98</b>	<b>\$1,972.53</b>