



ATCO Gas North and South

January 2005 Request for Interim
Rate Increase

Cost Awards

ALBERTA ENERGY AND UTILITIES BOARD

Utility Cost Order 2005-029: ATCO Gas North and South

January 2005 Interim Rate Increase

Application No. 1369343

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ALBERTA ENERGY AND UTILITIES BOARD

Calgary, Alberta

**ATCO Gas North and South
Request for Interim Rates Effective
January 1, 2005**

**Utility Cost Order 2005-029
Application No.: 1369343
File No. 8000 – 1369343-01**

1 INTRODUCTION

The Alberta Energy and Utilities Board (EUB/Board) received an application (the Application) from ATCO Gas North and South (ATCO), dated November 12, 2004, requesting approval to implement new interim rates effective January 1, 2005.

The Board directed an expedited written process and interested parties were requested to provide submissions by December 1, 2004 with reply by ATCO by December 10, 2004. The Board received submissions from the Alberta Urban Municipalities Association (AUMA), City of Calgary (Calgary), and the Consumers' Coalition of Alberta (CCA).

On December 14, 2004 the Board issued Order [U2004-443](#).

On January 31, 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 14, 2005. 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 February 14, 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

The Board received one cost claim from the Alberta Urban Municipalities Association (AUMA) totaling \$856.00 including actual GST of \$56.00 with respect to the Proceeding.

The Board has reviewed the costs submitted by AUMA, 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 AUMA 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 were in accordance with the *Scale of Costs*. Accordingly, the Board considers the claim for fees for AUMA to be reasonable as outlined in [Appendices A and B](#) to this Order which together total \$800.00.

4 GST

In accordance with the Board's treatment of the GST on cost awards, ATCO 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 \$56.00 as shown in column (g) of [Appendix A](#) in the amount of \$28.00 and again in [Appendix B](#) in the amount of \$28.00. The GST allowed by the Board may also be charged against ATCO's respective Hearing Cost Reserve Accounts.

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. ATCO Gas North shall pay intervener costs in the amount of \$428.00, as set out in column (h) of [Appendix A](#).

2. ATCO Gas North shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$428.00, as set out in column (h) of [Appendix A](#).
3. ATCO Gas South shall pay intervener costs in the amount of \$428.00, as set out in column (h) of [Appendix B](#).
4. ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$428.00, as set out in column (h) of [Appendix B](#).

Dated in Calgary, Alberta on this 10th day of May, 2005.

ALBERTA ENERGY AND UTILITIES BOARD

Original Signed by Thomas McGee

Thomas McGee
Board Member

APPENDIX A – SUMMARY OF COSTS CLAIMED AND AWARDED (AGN)



UCO 2005-029
Appendix A (AGN Jan

APPENDIX B – SUMMARY OF COSTS CLAIMED AND AWARDED (AGS)



UCO 2005-029
Appendix B (AGS Jan

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**ATCO Gas North
1369343
January 2005 Interim Rate Increase**

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)
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								
Robert Bruggeman Regulatory Consulting Ltd.	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00
Sub-Total	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00
TOTAL INTERVENER COSTS								
TOTAL INTERVENER COSTS	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00
TOTAL INTERVENER AND APPLICANT COSTS								
TOTAL INTERVENER AND APPLICANT COSTS	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00

**ATCO Gas South
1369343
January 2005 Interim Rate Increase**

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)
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								
Robert Bruggeman Regulatory Consulting Ltd.	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00
Sub-Total	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00
TOTAL INTERVENER COSTS								
	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00
TOTAL INTERVENER AND APPLICANT COSTS								
	\$400.00	\$0.00	\$28.00	\$428.00	\$400.00	\$0.00	\$28.00	\$428.00