



ATCO Gas

**Revision to Terms and Conditions
For Distribution Access Service**

Cost Awards

The Alberta Utilities Commission

Decision 2011-323: ATCO Gas

Revision to Terms and Conditions for Distribution Access Service

Application Nos. 1607274

Proceeding ID No. 1206

Dated on July 26, 2011

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Alberta Utilities Commission

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1 Introduction

1. On January 25, 2011, ATCO Gas applied to the Alberta Utilities Commission (the AUC or the Commission) for approval of proposed changes to its terms and conditions for the Distribution Access Service. The proposed changes were required as a result of the pending integration of ATCO Pipelines and NOVA Gas Transmission Limited (NGTL). ATCO GAS proposed that the proposed terms and conditions be made effective on the first day that ATCO GAS commences receipt of transmission service from NGTL rather than ATCO Pipelines.
2. On January 26, 2011 the Commission issued a notice of application. The Commission established dates for the filing of argument and reply argument on March 25, 2011 and March 30, 2011, respectively.
3. The Commission dealt with this Application by way of a written proceeding. On April 26, 2011, the Commission issued [Decision 2011-171](#)¹ with respect to the application.
4. On May 5, 2011, 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 May 18, 2011. The Commission did not receive any comments. Accordingly, the Commission considers the cost process to have closed on May 18, 2011.

2 Views of the Commission – Authority to Award Costs

5. When assessing a cost claim pursuant to Section 21 of the *Alberta Utilities Commission Act* (AUC Act), the Commission applies Rule 022, *Rules on Intervener Costs in Utility Rate Proceedings* (Rule 022).
6. 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.
7. In the Commission's view, the responsibility to contribute positively to the process is inherent in the choice to intervene 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

¹ Decision 2011-171: ATCO Gas, Revision to Terms and Conditions for Distribution Access Service, Application no. 1606954, Proceeding ID no, 1055, Released: April 26, 2011.

arising in the proceeding and necessary for the determination of those issues. To the extent reasonably possible, the Commission will be mindful of participants' willingness to co-operate with the Commission and other participants to promote an efficient and cost-effective proceeding.

8. 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 Views of the Commission – Assessment

9. The Consumers' Coalition of Alberta (CCA) submitted a cost claim totaling \$5,657.19. The claim is comprised of consulting fees incurred by Regulatory Services, Inc. in the amount of \$5,375.00 together with disbursements in the amount of \$12.80 and GST of \$269.39. The CCA proposed allocating its costs on the following basis: 50% to ATCO GAS North and 50% to ATCO Gas South.

10. The Commission has considered the costs submitted by the CCA, bearing in mind the principles specified in the Commission's *Scale of Costs* set out in Appendix A to Rule 022. The Commission finds that the participation of the CCA was effective and of assistance in reviewing the application. The Commission also notes that the claims for professional fees, disbursements and applicable GST were in accordance with the *Scale of Costs*. Accordingly, the Commission considers the CCA's claims for fees, disbursements and applicable GST in the total amount of \$5,657.19 to be reasonable and approves the costs submitted by the CCA and the proposed allocation.

4 GST

11. In accordance with the Commission's treatment of the GST on cost awards, ATCO Gas 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 Commission has reduced this particular portion of their claim. Eligible GST approved by the Commission amounts to \$269.39. The GST allowed by the Commission may also be charged against ATCO Gas' Hearing Cost Reserve Account.

12. The Commission 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 that:

1. ATCO Gas North shall pay intervener costs in the amount of \$2,828.60, 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 \$2,828.60, as set out in column (h) of [Appendix A](#).

3. ATCO Gas South shall pay intervener costs in the amount of \$2,828.60, as set out in column (h) of [Appendix A](#).
4. ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$2,828.60, as set out in column (h) of [Appendix A](#).

Dated on July 26, 2011.

The Alberta Utilities Commission

<original signed by>

Carolyn Dahl Rees
Vice-Chair

Proposed Changes to the Terms Conditions for the Distribution Access Service
(1606954)

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								
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
No Applicant Costs				\$2,828.60				\$2,828.60
Amount of Intervener Costs				\$2,828.60				\$2,828.60
Amount to be recorded in Hearing Cost Reserve Account				\$2,828.60				\$2,828.60
Sub-Total	\$0.00	\$0.00	\$0.00	\$2,828.60	\$0.00	\$0.00	\$0.00	\$2,828.60
ATCO GasSouth								
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
No Applicant Costs				\$2,828.60				\$2,828.60
Amount of Intervener Costs				\$2,828.60				\$2,828.60
Amount to be recorded in Hearing Cost Reserve Account				\$2,828.60				\$2,828.60
Sub-Total	\$0.00	\$0.00	\$0.00	\$2,828.60	\$0.00	\$0.00	\$0.00	\$2,828.60
INTERVENERS								
Consumers' Coalition of Alberta								
	\$5,375.00	\$12.80	\$269.39	\$5,657.19	\$5,375.00	\$12.80	\$269.39	\$5,657.19
Regulatory Services, Inc.				\$5,657.19				\$5,657.19
Sub-Total	\$5,375.00	\$12.80	\$269.39	\$5,657.19	\$5,375.00	\$12.80	\$269.39	\$5,657.19
TOTAL INTERVENER COSTS								
	\$5,375.00	\$12.80	\$269.39	\$5,657.19	\$5,375.00	\$12.80	\$269.39	\$5,657.19
TOTAL INTERVENER AND APPLICANT COSTS								
	\$5,375.00	\$12.80	\$269.39	\$5,657.19	\$5,375.00	\$12.80	\$269.39	\$5,657.19