



ATCO Gas

2011 Weather Deferral Cost Application

Cost Awards

The Alberta Utilities Commission

Decision 2011-454: ATCO Gas

2011 Weather Deferral Cost Application

Application No. 1607585

Proceeding ID No. 1395

November 17, 2011

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Fifth Avenue Place, 4th Floor, 425 - First Street SW

Calgary, Alberta

T2P 3L8

Telephone: (403) 592-8845

Fax: (403) 592-4406

Web site: www.auc.ab.ca

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1 Introduction

1. In Decision [2008-113](#), the Alberta Utilities Commission (the AUC or the Commission) approved the creation of a Weather Deferral Account (WDA) for each of the ATCO Gas North (AGN) and ATCO Gas South (AGS) service areas of ATCO Gas effective January 1, 2008.
2. On May 12, 2011, ATCO Gas submitted an application to the Commission for the refund of accumulated WDA balances through a Rider “W” for each of AGN and AGS to be effective August 1, 2011.
3. On May 13, 2011, the Commission issued a notice of application. The Commission received a statement of intent to participate from the Consumers’ Coalition of Alberta (CCA) and the Office of the Utilities Consumer Advocate (UCA).
4. On May 31, 2011, the Commission scheduled a written process. Written argument was filed on July 6, 2011, and reply argument on July 13, 2011.
5. On July 21, 2011, the Commission issued [Decision 2011-313](#)¹, dealing with the application.
6. The Commission established a deadline for the filing of cost claims by August 12, 2011.
7. CCA filed its cost claim on August 12, 2011. On August 12, 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 August 26, 2011. The Commission did not receive any comments. Accordingly, the Commission considers the cost process to have closed on August 26, 2011.

2 Views of the Commission – Authority to Award Costs

8. When assessing a cost claim pursuant to Section 21 of the *Alberta Utilities Commission Act*, RSA 2007, c A-37.2, the Commission applies Rule 022, *Rules on Intervener Costs in Utility Rate Proceedings* (Rule 022).
9. 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

¹ Decision 2011-313: ATCO Gas 2011 Weather Deferral Account Rate Rider, Application No. 1607321, Proceeding ID No. 1230. Released: July 21, 2011.

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.

10. 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 participants' willingness to co-operate with the Commission and other participants to promote an efficient and cost-effective proceeding.

11. 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

12. CCA submitted a cost claim totaling \$1,053.99. The cost claim is comprised of consulting fees incurred by Regulatory Services Inc. in the amount of \$989.00, together with disbursements of \$14.80 and GST of \$50.19.

13. The CCA proposed allocating its costs on the following basis: 50% to ATCO Gas North and 50% to ATCO Gas South.

14. The Commission has considered the costs submitted by CCA. The Commission finds that the participation of CCA was effective and of assistance in reviewing the Application. The Commission notes the scope and complexity of the issues before it and the extent of the examination thereof. The Commission considers the CCA's claim for consulting fees, disbursements and GST in the total amount of \$1,053.99 to be reasonable.

4 GST

15. 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 \$50.19. The GST allowed by the Commission may also be charged against ATCO Gas' Hearing Cost Reserve Account.

16. 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*, RSC 1985, c E-15.

5 Order

It is hereby ordered that:

1. ATCO Gas North shall pay intervener costs in the amount of \$527.00 as set out in column (h) of [Appendix A](#), are approved.
2. ATCO Gas North shall record in its Hearing Cost Reserve Account the allowed external applicant and intervener costs in the amount of \$527.00 as set out in column (h) of [Appendix A](#).
3. ATCO Gas South shall pay intervener costs in the amount of \$527.00 as set out in column (h) of [Appendix A](#), are approved.
4. ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed external applicant and intervener costs in the amount of \$527.00 as set out in column (h) of [Appendix A](#).

Dated on November 17, 2011.

The Alberta Utilities Commission

Moin Yahya
Duty Commissioner

**ATCO Gas
Cost Proceeding ID. 1395
2011 Weather Deferral Cost Application
(1607585)**

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								
No Applicant Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Amount of Intervener Costs	\$494.50	\$7.40	\$25.10	\$527.00	\$494.50	\$7.40	\$25.10	\$527.00
Amount to be recorded in Hearing Cost Reserve Account	\$494.50	\$7.40	\$25.10	\$527.00	\$494.50	\$7.40	\$25.10	\$527.00
Sub-Total	\$494.50	\$7.40	\$25.10	\$527.00	\$494.50	\$7.40	\$25.10	\$527.00
ATCO GasSouth								
No Applicant Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Amount of Intervener Costs	\$494.50	\$7.40	\$25.10	\$527.00	\$494.50	\$7.40	\$25.10	\$527.00
Amount to be recorded in Hearing Cost Reserve Account	\$494.50	\$7.40	\$25.10	\$527.00	\$494.50	\$7.40	\$25.10	\$527.00
Sub-Total	\$494.50	\$7.40	\$25.10	\$527.00	\$494.50	\$7.40	\$25.10	\$527.00
INTERVENERS								
Consumers' Coalition of Alberta								
Regulatory Services, Inc.	\$989.00	\$14.80	\$50.19	\$1,053.99	\$989.00	\$14.80	\$50.19	\$1,053.99
Sub-Total	\$989.00	\$14.80	\$50.19	\$1,053.99	\$989.00	\$14.80	\$50.19	\$1,053.99
TOTAL INTERVENER COSTS								
	\$989.00	\$14.80	\$50.19	\$1,053.99	\$989.00	\$14.80	\$50.19	\$1,053.99
TOTAL INTERVENER AND APPLICANT COSTS								
	\$989.00	\$14.80	\$50.19	\$1,053.99	\$989.00	\$14.80	\$50.19	\$1,053.99