



ATCO Gas South

Approval to Implement Carbon Recovery Riders

Cost Awards

ALBERTA UTILITIES COMMISSION

Decision 2010-402: ATCO Gas South

Approval to Implement Carbon Recovery Riders

Application No. 1605873

Cost Application No. 1606191

Published by

Alberta Utilities Commission

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Calgary, Alberta

**ATCO Gas South
Approval to Implement
Carbon Recovery Riders**

**Decision 2010-402
Application No. 1605873
Cost Application No. 1606191**

1 INTRODUCTION

1. ATCO Gas South (AGS) filed an application (Application) with the Alberta Utilities Commission (AUC or Commission) on February 4, 2010 requesting approval to implement two recovery riders “G” and “I” on an interim basis effective April 1, 2010, related to Application No. 1579086/Proceeding ID. 87 – ATCO Gas South-Carbon Court of Appeal Decision Compliance, Removal of Carbon Related Assets from Utility Service (Proceeding ID. 87).

2. Notice of Application was issued on February 5, 2010. The Commission received a statement of intent to participate by the deadline of February 19, 2010 from BP Canada Energy Company (BP) and the Office of the Utilities Consumer Advocate (UCA). BP raised no issues. The UCA stated it would not oppose implementation of the riders to collect up to 50 percent of the amount applied for on a fully interim and refundable basis for the period specified.

3. On March 10, 2010 the Commission issued a letter outlining the process schedule. On March 15, 2010 the UCA submitted a letter stating it would not be submitting information requests.

4. On March 15, 2010 the Commission issued a revised schedule that called for argument and reply argument to be submitted by March 23, 2010 and March 30, 2010, respectively.

5. On April 20, 2010 the Commission issued Decision [2010-167](#)¹ with respect to the Application.

6. On May 7, 2010, 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 21, 2010. The Commission did not receive any comments. Accordingly, the Commission considers, for the purposes of this Cost Order, the cost process to have closed on May 21, 2010.

2 VIEWS OF THE COMMISSION – AUTHORITY TO AWARD COSTS

7. 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).

¹ Decision 2010-167 – ATCO Gas South, Approval to Implement Carbon Recovery Riders (Application No. 1605873; Proceeding ID. 479) (Released: April 20, 2010).

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 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 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.

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 VIEWS OF THE COMMISSION – ASSESSMENT

11. AGS submitted a cost claim totaling \$843.44. The Claim is comprised of legal fees incurred by Bennett Jones LLP in the amount of \$840.00, together with disbursements of \$3.44.

12. The Commission has considered the costs submitted by AGS. The Commission finds that the participation of AGS was effective and of assistance in reviewing the Application. The Commission also notes that the claims for professional fees and other claims were in accordance with the *Scale of Costs*. Accordingly, the Commission considers AGS's claims for fees and disbursements in the total amount of \$843.44 to be reasonable.

4 ORDER

IT IS HEREBY ORDERED:

1. ATCO Gas South external costs in the amount of \$843.44 are approved.
2. ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed external applicant costs in the amount of \$843.44.

Dated on August 17, 2010.

ALBERTA UTILITIES COMMISSION

(Original signed by)

Willie Grieve
Chair

(Original signed by)

Tudor Beattie, Q.C.
Commissioner