



**ATCO Gas North
ATCO Gas South
ATCO Electric Ltd.**

**Transfer of Certain Retail Assets to
Direct Energy Marketing Limited
and
Proposed Arrangement with Direct
Energy Regulated Services to Perform
Certain Regulated Retail Functions**

Cost Awards

ALBERTA ENERGY AND UTILITIES BOARD

Utility Cost Order 2004-29: ATCO Gas North, ATCO Gas South, ATCO Electric Ltd.
Transfer of Certain Retail Assets to Direct Energy Marketing Limited and
Proposed Arrangement with Direct Energy Regulated Services to Perform
Certain Regulated Retail Functions
Application No. 1299855

Published by

Alberta Energy and Utilities Board
640 – 5 Avenue SW
Calgary, Alberta
T2P 3G4

Telephone: (403) 297-8311
Fax: (403) 297-7040

Web site: www.eub.gov.ab.ca

Contents

- 1 INTRODUCTION..... 1**
- 2 VIEWS OF THE BOARD – AUTHORITY TO AWARD COSTS..... 2**
- 3 VIEWS OF THE BOARD – TREATMENT OF COSTS 2**
- 4 VIEWS OF THE BOARD – ASSESSMENT 3**
 - 4.1 ATCO Gas North, ATCO Gas South, ATCO Electric Ltd. (ATCO) 3**
 - 4.2 Alberta HVAC Coalition (HVAC) 3**
 - 4.3 Alberta Rural Utilities Association (ARUA) 5**
 - 4.4 The City of Calgary (Calgary) 5**
 - Low Rosen Taylor Soriano (Low Rosen) 6**
 - Concentric Energy (CE)..... 6**
 - Deeth Williams Wall..... 7**
 - 4.5 Remaining Participants 8**
- 5 GST..... 9**
- 6 ORDER 9**
- APPENDIX A – Summary of Costs Claimed and Awarded (AGN) 10**
- APPENDIX B – Summary of Costs Claimed and Awarded (AGS)..... 10**
- APPENDIX C – Summary of Costs Claimed and Awarded (AE)..... 10**

ALBERTA ENERGY AND UTILITIES BOARD

Calgary, Alberta

**ATCO Gas North, ATCO Gas South, and
ATCO Electric Ltd.
Transfer of Certain Retail Assets to Direct Energy
Marketing Ltd. and Proposed Arrangements with
Direct Energy Regulated Services to Perform
Certain Retail Functions
Cost Claims**

**Utility Cost Order 2004-29
Application No. 1299855
File No. 8000-1299855-01**

1 INTRODUCTION

On December 10, 2002 the ATCO Group announced that ATCO Gas and Pipelines Ltd. (ATCO Gas) and ATCO Electric Ltd. (ATCO Electric) had reached an agreement to transfer their natural gas and electricity retail functions to Direct Energy Marketing Limited (DEML). By letter dated April 25, 2003 ATCO Electric and ATCO Gas (collectively ATCO) submitted an application (the Application) to the Alberta Energy and Utilities Board (Board or EUB) for approval of:

- arrangements with Direct Energy Regulated Services (DERS) to perform certain regulated retail functions, and
- the transfer of certain retail assets to DEML.

On May 20, 2003 the Board issued a Notice of Hearing (Notice) to interveners previously registered in the AE 2003-2005 General Tariff Application (GTA) and the ATCO Gas 2003/2004 General Rate Application (GRA), and arranged for publication of the Notice in the major Alberta daily newspapers.

The Board held an oral hearing in Edmonton commencing on August 27, 2003, which lasted for 11 days. The Board panel assigned to this Application was B. T. McManus, Q.C. (Presiding Member), J. I. Douglas, FCA, and W. K. Taylor (Acting Member).

By letter dated October 1, 2003 the Board confirmed with interested parties that written argument for this Application would be due on October 8, 2003, followed by reply argument one week later on October 15, 2003. The Board considers that the record for this hearing closed on October 15, 2003. On December 4, 2003 the Board issued [Decision 2003-098](#).

Various participants submitted cost claims totaling \$1,985,857.66 including actual GST of \$94,243.17 with respect to the Proceeding.

On November 27, 2003 summaries of the costs being claimed for this proceeding were circulated to interested parties. Parties were advised that any comments regarding the figures listed in the summaries or the merits of the total costs claimed were to be submitted by December 12, 2003. The Board received comments from ATCO dated December 12, 2003.

By letter dated January 2, 2004, interested parties were invited to provide a response to ATCO's comments by January 16, 2004. The Board received the following responses:

- D'Arcy & Deacon on behalf of the City of Calgary, dated December 18, 2003
- Brownlee Fryett on behalf of Alberta Rural Utilities Association, dated December 19, 2003
- Osler Hoskin & Harcourt on behalf of HVAC Coalition, dated January 16, 2004

The Board considers that the close of the cost process for this proceeding is January 16, 2004.

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 – Treatment of Costs

With respect to the treatment of costs, particularly who should bear the costs approved under this Order, the Board refers parties to its decision in Decision 2003-098, which states the following:

The Board notes that ATCO's management have made a decision to exercise its legislated right to transfer the obligation of providing regulated service to a third party. This decision and resulting agreements were made without input from customers; as a

result, both ATCO and DEML were in complete control of structuring the associated transactions for which Board approval is sought. The Board has also sanctioned the entire proceeds of the transaction going to ATCO shareholders. Accordingly, given that the Application arises as a result of a decision of the ATCO management to sell the retail business and to appoint DERS as the provider of the regulated rate and default supply functions and given the nature of benefits flowing to the ATCO shareholder, the Board considers it appropriate that 100% of the Board approved costs associated with these proceedings will be allocated to ATCO's shareholders¹.

Based on the foregoing all costs approved under this Order shall be borne by ATCO Gas North, ATCO Gas South, and ATCO Electric Ltd. based on the allocations provided for in Appendices "A", "B", and "C".

4 VIEWS OF THE BOARD – Assessment

4.1 ATCO Gas North, ATCO Gas South, ATCO Electric Ltd. (ATCO)

The Board notes that its decision regarding the treatment of costs does not affect the costs of ATCO as ATCO is not eligible to have its costs recovered from customers. However, ATCO's role in the hearing can impact the overall costs of the proceeding. The Board has indicated in previous cost awards the importance of obtaining the cooperation of all parties so as to assist in meeting the currently challenging regulatory agenda. In the case at hand, the Board found that the actions of counsel for ATCO during the hearing occasionally hindered the effectiveness of the process. The Board considers that counsel was at times uncooperative towards the Board and other parties and that this contributed to a waste of hearing time. The Board is of the opinion that an overly combative style is not necessary to advance the interests of a participant. While the Board will not exercise its discretion to modify cost awards in this instance, the Board cautions that in future cost applications the Board will take into account how general behavior of counsel affects the process.

4.2 Alberta HVAC Coalition (HVAC)

The Board has reviewed HVAC's cost claim that consists of the legal fees incurred by Osler, Hoskin & Harcourt in the amount of \$82,739.00 and disbursements of \$9,482.85. The claim also includes the professional fees of Merritt & Associates in the amount of \$75,750.00 and disbursements of \$2,412.50.

The Board notes that there were questions raised regarding the appropriateness of HVAC's participation in this proceeding from the time that HVAC first requested intervenor status. The Board notes the following comments made in a letter from Board staff dated July 2, 2003. HVAC was formerly referred to as HRAI or Lennox and HRAI.

The Board notes that Lennox and HRAI are not currently a competitor of ATCO as ATCO does not provide the services offered by Lennox and HRAI. The Retail Sale Application also does not include any services that are competitive to the services provided by Lennox and HRAI. The Board notes the potential that Direct Energy may be providing these services to customers in Alberta at some future date but that these will remain services that are not regulated by the Board.

¹ Decision 2003-098, page 69

Therefore, the Board is uncertain as to the direct interest of Lennox and HRAI in the proceeding.

However, the Board has typically had a lenient approach in deciding who can participate in its proceedings and acknowledges that, to the extent that HRAI has members in Alberta, which may be affected as customers of ATCO Gas or ATCO Electric, they may have an interest in the proceeding. Therefore, the Board will allow Lennox and HRAI to participate in the proceeding. However, before Lennox and HRAI will be able to recover costs, they must demonstrate, like all other parties, that their interests pursued in the proceeding were relevant, and that their participation in the proceeding provided benefit to the process.

The Board considers that the intervention by HVAC was not typical of the usual customer groups that are represented in Board utility proceedings. HVAC's interests were not primarily those of a customer of either ATCO or potentially DERS, but as a future competitor of the potential unregulated businesses of DEML. In the argument, dated October 8, 2003 HVAC stated:

The Retail Sale Application, and related commercial transactions as currently contemplated by ATCO and DEML, if approved as applied for, will vest in DEML certain exclusive and preferential rights and powers to the Alberta retail market for gas, electricity and related energy services.

The Coalition's concern is whether this will impede, rather than foster, the current and future competitive market for both energy and related energy services such as the installation, maintenance and repair of residential HVAC services. This concern arises given that customers who obtain related energy services, are the same customers who are provided with retail gas and electric services and who may link traditional utility service to HVAC services. The level of market dominance and share of the energy and related energy services market can be dependent upon the access a market participant has to the traditional utility customer relationships. (Argument, p.3)

The Board notes the following comments from ATCO regarding the participation of HVAC in these proceedings.

The HVAC Coalition clearly pursued an agenda in these proceedings that related to matters that would impact their membership. The HVAC Coalition is not a custodian of the overall public interest. The HVAC Coalition should bear the costs of its participation.²

While the Board understands and agrees that HVAC has a general interest in participating in this proceeding, the Board has difficulty in accepting that customers of ATCO would be asked to bear the costs to support the more narrow and specific interest of HVAC in this proceeding. The Board considers this specific interest was to prevent the entry of DEML to the HVAC business sector in Alberta. Although, in this instance, customers are not being asked to bear the costs of the proceeding, the Board considers that the same test should be able to be applied regardless of who is paying the bill. Therefore, to the extent the Board would have difficulty in requiring

² Submission by ATCO, dated December 12, 2003

customers to pay the full cost of an intervention by HVAC, then the same should be true when ATCO is being asked to bear the costs.

The Board notes that it did not have any concerns with the quality of HVAC's intervention, with the exception that the issues it raised were solely in keeping with its interests of having a well-developed competitive market in the areas that HVAC provides services in. As this interest has the potential that it may also be aligned with the broad-based interests of some ATCO and/or DERS customers, the Board will allow the major portion of HVAC's costs to be recovered.

Therefore based on the foregoing, the Board finds it appropriate to reduce the fees incurred by Osler Hoskin & Harcourt and Merritt & Associates by 25% each. The total amount awarded to HVAC, inclusive of fees, disbursements, and GST is \$46,637.94 as shown in each Appendix "A" and "B" and \$46,639.57 as shown in Appendix "C" attached.

4.3 Alberta Rural Utilities Association (ARUA)

The Board has reviewed the cost being claimed by ARUA that consists of fees for Brownlee Fryett in the amount of \$90,260.00, JBS Energy Inc. in the amount of \$35,445.76, Collins Barrow in the amount of \$38,472.00, and Campbell Ryder in the amount of \$43,356.25. Legal disbursements and expenses by the consultants have been incurred in the total amount of \$9,428.23.

In comparing the total costs claimed by the ARUA to that of other customer groups, the Board is unable to reconcile the level of costs for the ARUA to other groups given their level of participation. The Board notes that the ARUA had the additional cost of hiring an expert witness. However, even when the Board makes allowance for this additional cost, the costs of the ARUA are substantively higher than, for example, the AUMA/City of Edmonton or the CCA. Even taking into account that the various interveners may have shared responsibilities between the three related proceedings, the costs for the ARUA still appear high on a comparative basis.

Additionally, the Board considers that some of the matters pursued by Ms. Schilberg were beyond either the jurisdiction of the Board or the scope of the proceeding. With consideration to both of these matters, the Board therefore finds that it is appropriate to reduce the overall claim of the ARUA by \$25,000.00. For the sake of allocating the approved costs among the ATCO companies, the Board will apply the reduction on a proportionate basis as the ARUA allocated its costs. Specifically there will be a \$12,500.00 reduction to the ARUA costs that are allocated to ATCO Electric and a \$6,250.00 reduction to the costs allocated to each of ATCO Gas South and ATCO Gas North.

4.4 The City of Calgary (Calgary)

The Board has reviewed Calgary's claim that consists of professional fees totaling \$712,389.15 and disbursements totaling \$48,513.81. Details of the claim are outlined in Appendices "A", "B", and "C" attached.

The Board notes that the following companies claimed an hourly rate that is higher than the prescribed Scale of Costs. The Board has considered the justification provided in D'Arcy & Deacon's letter dated November 19, 2003. Although the Board appreciates the expertise that each of the companies brought to the proceeding it does not feel that the issues were so complex

that an hourly rate above the Scale of Costs is warranted in this instance. Accordingly the Board adjusts the following rates to conform to the Scale of Costs.

Low Rosen Taylor Soriano (Low Rosen)

Robert Low [$\$65,320.00 - (\$250.00 \times 142 \text{ hrs}) = \$29,820.00$
 Richard Taylor [$\$140.00 - (\$250.00 \times 0.4 \text{ hrs}) = \40.00
 H. Rosen - [$\$5,888.00 - (\$250.00 \times 12.8 \text{ hrs}) = \$2,688.00$
 Paula Frederick [$\$23,064.00 - (\$210.00 \times 74.4 \text{ hrs}) = \$7,440.00$
 V. Kotecha [$\$11,546.00 - (\$140.00 \times 50.2 \text{ hrs}) = \$4,518.00$
 Sub-Total - \$44,506.00

With respect to ATCO Gas South, the Board reduces Low Rosen's fees by \$44,506.00 to conform to the Board's Scale of Costs.

Robert Low [$\$16,330.00 - (\$250.00 \times 35.5 \text{ hrs}) = \$7,455.00$
 Richard Taylor [$\$35.00 - (\$250.00 \times 0.1 \text{ hr}) = \10.00
 H. Rosen [$\$1,472.00 - (\$250.00 \times 3.2 \text{ hrs}) = \672.00
 Paula Frederick [$\$5,766.00 - (\$210.00 \times 18.6 \text{ hrs}) = \$1,860.00$
 V. Kotcha [$\$2,886.50 - (\$140.00 \times 12.55 \text{ hrs}) = \$1,129.50$
 Sub-Total - \$11,126.50

With respect to ATCO Electric Ltd., the Board reduces Low Rosen's fees by \$11,126.50 to conform to the Board's Scale of Costs.

Concentric Energy (CE)

Malcolm Ketchum [$\$54,632.24 - (\$250.00 \times 160.40 \text{ hrs}) = \$14,532.24$
 Caroline O'Neill [$\$16,139.20 - (\$140.00 \times 77 \text{ hrs}) = \$5,359.20$
 John Slocum [$\$10,626.72 - (\$250.00 \times 31.2 \text{ hrs}) = \$2,826.72$
 Toby Bishop [$\$2,640.96 - (\$210.00 \times 11.2 \text{ hrs}) = \288.96
 Jim Stephens [$\$1,089.92 - (\$250.00 \times 3.2 \text{ hrs}) = \289.92
 Sub-Total - \$23,297.04

With respect to ATCO Gas South, the Board reduces CE's fees by \$23,297.04 to conform to the Board's Scale of Costs.

Malcolm Ketchum [$\$13,658.06 - (\$250.00 \times 40.10 \text{ hrs}) = \$3,633.06$
 Caroline O'Neill [$\$4,034.80 - (\$140.00 \times 19.25 \text{ hrs}) = \$1,339.80$
 John Slocum [$\$2,656.68 - (\$250.00 \times 7.8 \text{ hrs}) = \706.68
 Toby Bishop [$\$660.24 - (\$210.00 \times 2.8 \text{ hrs}) = \72.24
 Jim Stephens [$\$272.48 - (\$250.00 \times .8 \text{ hrs}) = \72.28
 Sub-Total - \$5,824.26

With respect to ATCO Electric, the Board reduces CE's fees by \$5,824.26 to conform to the Board's Scale of Costs.

Deeth Williams Wall

Amy Lynne Williams [$\$3,924.00 - (\$250.00 \times 8.72 \text{ hrs}) = \$1,744.00$]

With respect to ATCO Gas South, the Board reduces Ms. Williams' fees by \$1,744.00 to conform to the Board's Scale of Costs.

Amy Lynne Williams [$\$981.00 - (\$250.00 \times 2.18 \text{ hrs}) = \436.00]

With respect to ATCO Electric Ltd., the Board reduces Ms. Williams' fees by \$436.00 to conform to the Board's Scale of Costs.

With respect to Calgary's overall role in this proceeding, the Board finds that the totality of the costs incurred are excessive given the overall value and contribution throughout the proceeding. The Board acknowledges that Calgary took a lead role in this application and supported four pieces of evidence from expert witnesses. Therefore the costs of Calgary would be expected to be higher than for other groups. Nonetheless, the Board has some difficulties with the level of costs that Calgary has incurred in addition to the amounts where they exceeded the Board's scale of costs. The Board notes that the total costs claimed for Calgary are higher than the combined claimed costs for all other intervenor groups representing customers.

As noted, Calgary sponsored four pieces of evidence from expert witnesses. The Board has some specific concerns with respect to the expert witnesses that were presented by Calgary. Firstly, the Board found little value in the evidence that was presented by Mr. Low³. A large portion of Mr. Low's written evidence merely restated the details in the application and there was virtually nothing by way of substantive recommendations. The Board found that Mr. Low's evidence provided little value in the Board's determinations. Taking these factors into account, the Board finds it appropriate to reduce Mr. Low's fees by 25%. This reduction will apply to the fees being claimed against both AGS and AE.

The Board also considered that, although the evidence of Mr. Vander Veen⁴ dealt with experience in American jurisdictions and the evidence of Dr. Higgin's dealt with his experience in Ontario, these two pieces of evidence were somewhat duplicative. The Board questions whether it was necessary to sponsor two pieces of evidence that dealt with similar issues. Furthermore, while comparisons to other jurisdictions can be instructive, the Board considers that they may not be truly comparable. To the extent that there are unique characteristics in the legislation dealing with the sale of utility assets in Alberta, comparability to other jurisdictions becomes even more problematic. The Board therefore questions the full usefulness of the expert witnesses that relied on experience from outside of Alberta. Taking these factors into account, the Board finds it appropriate to reduce Mr. Vander Veen's and Mr. Higgin's fees by 25% each. This reduction will apply to the fees claimed against both AGS and AE.

³ From the firm Low Rosen Taylor Soriano

⁴ From the firm Energy Group, Inc.

The Board has reviewed the claim of Stephen Johnson, in particular the amount of hours incurred for preparation⁵. While the Board appreciates that the evidence provided by this consultant assisted the Board in its appreciation of the issues before it, it is of the view that the costs claimed are disproportionate to the contribution. When consultants claim costs at the upper end of the Scale of Costs, the Board expects that the relative experience and expertise of such experts will naturally result in reduced preparation time. Given the somewhat general nature of the issues addressed by these experts, and the level of the expertise the Board acknowledges that Stephen Johnson possesses, the Board is of the view that the preparation time claimed is inordinately high. Furthermore the Board has also considered that there were a total of seven consulting firms assisting with this intervention. Taking these various factors into account the Board finds it appropriate to reduce Stephen Johnson's fees by 25%. This reduction will apply to the fees claimed against both AGS and AE.

In the Board's view, counsel for Calgary had, among others, an advisory role with respect to the development of the Application and must bear some responsibility for the deficiencies identified by the Board and which contributed to inefficiencies in the process. For these reasons, the Board concludes that it is reasonable to reduce the fees claimed by D'Arcy Deacon by 10%. This reduction will be applied to the fees being claimed against each of AGS and AE.

The Board has reviewed the portion of the claim associated with Deeth Williams Wall and notes that other than the hourly rate above the Board's Scale of Costs, the services provided to D'Arcy Deacon, particularly reviewing and commenting on asset sale agreements and the CIS Services Agreement, is commensurate with the hours incurred. Accordingly, the Board will not apply any further reduction to the Deeth Williams Wall claim.

With respect to the City of Calgary, the Board approves total costs, inclusive of fees, disbursements, and GST, in the amount of \$475,291.22 and \$118,822.82, as shown in Appendices "B" and "C" respectively.

4.5 Remaining Participants

The Board has reviewed the costs submitted by the remaining participants, bearing in mind the principles specified in the Board's *Scale of Costs* set out in Appendix D 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 Appendices "A", "B", and "C" to this Order in the total amounts of \$330,253.39, \$778,394.50, and \$591,073.69 respectively.

⁵ 579.45 hours

5 GST

In accordance with the Board's treatment of the GST on cost awards, each Applicant 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 through the government, the Board has reduced that particular portion of their claim. Eligible GST approved by the Board amounts to \$12,464.13 as shown in column (d) of Appendix "A", \$24,705.62 as shown in column (d) of Appendix "B", and \$19,653.93 as shown in column (d) of Appendix "C".

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.

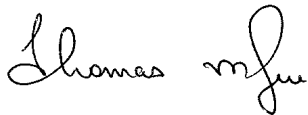
6 ORDER

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 \$266,599.76, as set out in column (e) of Appendix "A".
2. ATCO Gas North's external costs in the amount of \$63,653.63, as set out in column (e) of Appendix "A", are approved.
3. ATCO Gas South shall pay intervener costs in the amount of \$714,740.86, as set out in column (e) of Appendix "B".
4. ATCO Gas South's external costs in the amount of \$63,653.64, as set out in column (e) of Appendix "B", are approved.
5. ATCO Electric Ltd. shall pay intervener costs in the amount of \$455,443.76, as set out in column (e) of Appendix "C".
6. ATCO Electric Ltd.'s external costs in the amount of \$135,629.93, as set out in column (e) of Appendix "C", are approved.

Dated in Calgary, Alberta on this 15th day of April, 2004.

ALBERTA ENERGY AND UTILITIES BOARD



Thomas McGee
Board Member

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



"UCO 2004-29
Appendix A (AGN ATC

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



"UCO 2004-29
Appendix B (AGS ATC

APPENDIX C – SUMMARY OF COSTS CLAIMED AND AWARDED (AE)



"UCO 2004-29
Appendix C (AE ATCC

[\(Back to Table of Contents\)](#)

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
APPLICANT					
ATCO Gas North					
Bennett Jones	\$63,544.89	\$61,853.00	\$1,691.89	\$0.00	\$63,544.89
ATCO Gas North	\$108.74	\$0.00	\$108.74	\$0.00	\$108.74
Sub-Total	\$63,653.63	\$61,853.00	\$1,800.63	\$0.00	\$63,653.63
Alberta HVAC Coalition					
Osler Hoskin & Harcourt LLP	\$32,891.75	\$20,684.25	\$3,160.95	\$1,669.16	\$25,514.36
Merritt & Associates	\$27,877.95	\$18,937.50	\$804.16	\$1,381.92	\$21,123.58
Sub-Total	\$60,769.70	\$39,621.75	\$3,965.11	\$3,051.08	\$46,637.94
Alberta Rural Utilities Association					
Brownlee Fryett	\$26,291.51	\$22,565.00	\$2,006.50	\$1,720.01	\$26,291.51
Campbell Ryder	\$23,275.18	\$21,678.00	\$74.50	\$1,522.68	\$23,275.18
JBS Energy Inc.	\$11,371.45	\$10,988.37	\$383.08	\$796.00	\$12,167.45
Sub-Total	\$60,938.13	\$55,231.37	\$2,464.08	\$4,038.68	\$61,734.13
Less Cost Order Reduction					-\$6,250.00
Sub-Total					\$55,484.13
Alberta Urban Municipalities Association / City of Edmonton					
Reynolds, Mirth, Richards & Farmer LLP	\$21,940.96	\$18,856.25	\$1,649.32	\$1,435.39	\$21,940.96
Barry Shymanski Regulatory Consulting Ltd.	\$8,285.81	\$7,743.75	\$0.00	\$542.06	\$8,285.81
Sub-Total	\$30,226.77	\$26,600.00	\$1,649.32	\$1,977.45	\$30,226.77
Aboriginal Communities					
A.O. Ackroyd, Q.C.	\$5,479.00	\$5,479.00	\$0.00	\$0.00	\$5,479.00
Graves Engineering Corporation	\$9,771.75	\$8,204.50	\$1,567.25	\$0.00	\$9,771.75
Sub-Total	\$15,250.75	\$13,683.50	\$1,567.25	\$0.00	\$15,250.75

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
Consumer's Coalition of Alberta					
Wachowich & Company	\$10,626.64	\$8,314.00	\$1,617.44	\$695.20	\$10,626.64
Professional Regulatory Services, Inc.	\$16,797.33	\$15,640.00	\$58.44	\$1,098.89	\$16,797.33
Sub-Total	\$27,423.97	\$23,954.00	\$1,675.88	\$1,794.09	\$27,423.97
Direct Energy Marketing Limited					
Burnet, Duckworth & Palmer	\$35,400.48	\$33,718.00	\$1,682.48	\$0.00	\$35,400.48
Direct Energy Marketing Limited	\$5,776.91	\$0.00	\$5,776.91	\$0.00	\$5,776.91
Sub-Total	\$41,177.39	\$33,718.00	\$7,459.39	\$0.00	\$41,177.39
Ermineskin Cree Nation					
Marie Smallboy	\$15,445.25	\$13,400.00	\$2,045.25	\$0.00	\$15,445.25
Sub-Total	\$15,445.25	\$13,400.00	\$2,045.25	\$0.00	\$15,445.25
Public Institutional Consumers of Alberta					
Nancy McKenzie	\$2,845.73	\$2,838.75	\$6.98	\$0.00	\$2,845.73
Energy Management & Regulatory Consulting Ltd.	\$7,607.50	\$6,212.50	\$1,395.00	\$0.00	\$7,607.50
Sub-Total	\$10,453.23	\$9,051.25	\$1,401.98	\$0.00	\$10,453.23
St. Michael's Extended Care Centre Society					
Carlin Energy Resources Management Ltd.	\$9,549.75	\$8,925.00	\$0.00	\$624.75	\$9,549.75
A.O. Ackroyd, Q.C.	\$14,950.58	\$13,972.50	\$0.00	\$978.08	\$14,950.58
Sub-Total	\$24,500.33	\$22,897.50	\$0.00	\$1,602.83	\$24,500.33
TOTAL INTERVENER COSTS	\$286,185.52	\$238,157.37	\$22,228.26	\$12,464.13	\$266,599.76
TOTAL INTEREVENER AND APPLICANT COSTS	\$349,839.15	\$300,010.37	\$24,028.89	\$12,464.13	\$330,253.39

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
APPLICANT					
ATCO Gas South					
Bennett Jones	\$63,544.89	\$61,853.00	\$1,691.89	\$0.00	\$63,544.89
ATCO Gas South	\$108.75	\$0.00	\$108.75	\$0.00	\$108.75
Sub-Total	\$63,653.64	\$61,853.00	\$1,800.64	\$0.00	\$63,653.64
Alberta HVAC Coalition					
Osler, Hoskin, & Harcourt LLP	\$32,891.75	\$20,684.25	\$3,160.95	\$1,669.16	\$25,514.36
Merritt & Associates	\$27,877.95	\$18,937.50	\$804.16	\$1,381.92	\$21,123.58
Sub-Total	\$60,769.70	\$39,621.75	\$3,965.11	\$3,051.08	\$46,637.94
Alberta Irrigation Projects Association					
Unryn & Associates Ltd.	\$11,462.08	\$11,164.75	\$297.33	\$0.00	\$11,462.08
Sub-Total	\$11,462.08	\$11,164.75	\$297.33	\$0.00	\$11,462.08
Alberta Rural Utilities Association					
Brownlee Fryett	\$26,292.05	\$22,565.00	\$2,007.01	\$1,720.04	\$26,292.05
Campbell Ryder	\$23,275.95	\$21,678.25	\$74.97	\$1,522.73	\$23,275.95
JBS Energy	\$11,371.08	\$10,988.00	\$383.08	\$795.98	\$12,167.06
Sub-Total	\$60,939.08	\$55,231.25	\$2,465.06	\$4,038.74	\$61,735.05
Less Cost Order Reduction					-\$6,250.00
Sub-Total					\$55,485.05
Alberta Urban Municipalities Association / City of Edmonton					
Reynolds, Mirth, Richards & Farmer LLP	\$21,940.96	\$18,856.25	\$1,649.32	\$1,435.39	\$21,940.96
Barry Shymanski Regulatory Consulting Ltd.	\$8,285.81	\$7,743.75	\$0.00	\$542.06	\$8,285.81
Sub-Total	\$30,226.77	\$26,600.00	\$1,649.32	\$1,977.45	\$30,226.77
Aboriginal Communities					
A.O. Ackroyd, Q.C.	\$5,479.50	\$5,479.50	\$0.00	\$0.00	\$5,479.50
Graves Engineering Corporation	\$9,771.25	\$8,204.00	\$1,567.25	\$0.00	\$9,771.25
Sub-Total	\$15,250.75	\$13,683.50	\$1,567.25	\$0.00	\$15,250.75

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
City of Calgary					
Energy Group, Inc.	\$52,131.21	\$35,578.03	\$1,283.39	\$1,105.92	\$37,967.33
Low Rosen Taylor Soriano	\$115,483.36	\$46,170.00	\$1,862.37	\$1,441.07	\$49,473.44
Concentric Energy (formerly Commonwealth Energy)	\$94,487.23	\$62,173.91	\$2,834.87	\$1,950.39	\$66,959.17
D'Arcy Deacon	\$216,242.13	\$170,634.96	\$12,501.05	\$5,494.45	\$188,630.46
Deeth Williams Wall	\$4,198.68	\$2,180.00	\$0.00	\$65.40	\$2,245.40
Peter J. Milne	\$12,133.80	\$11,340.00	\$0.00	\$340.22	\$11,680.22
Stephen Johnson	\$136,543.93	\$82,362.15	\$17,794.95	\$3,004.91	\$103,162.01
Stephens Consulting	\$3,739.01	\$2,620.80	\$0.00	\$78.63	\$2,699.43
Karen Sharp	\$83.79	\$0.00	\$78.31	\$2.35	\$80.66
Econalysis	\$15,782.70	\$9,576.00	\$2,456.10	\$360.99	\$12,393.09
Sub-Total	\$650,825.84	\$422,635.85	\$38,811.04	\$13,844.33	\$475,291.22
Consumer's Coalition of Alberta					
Wachowich & Company	\$10,625.56	\$8,313.00	\$1,617.43	\$695.13	\$10,625.56
Professional Regulatory Services, Inc.	\$16,797.31	\$15,640.00	\$58.42	\$1,098.89	\$16,797.31
Sub-Total	\$27,422.87	\$23,953.00	\$1,675.85	\$1,794.02	\$27,422.87
Direct Energy Marketing Limited					
Burnet, Duckworth & Palmer	\$35,398.48	\$33,716.00	\$1,682.48	\$0.00	\$35,398.48
Direct Energy Marketing Limited	\$5,776.91	\$0.00	\$5,776.91	\$0.00	\$5,776.91
Sub-Total	\$41,175.39	\$33,716.00	\$7,459.39	\$0.00	\$41,175.39
ENMAX Energy Corporation					
Stikeman Elliott	\$1,335.45	\$1,326.00	\$9.45	\$0.00	\$1,335.45
Sub-Total	\$1,335.45	\$1,326.00	\$9.45	\$0.00	\$1,335.45

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
Public Institutional Consumers of Alberta					
Nancy McKenzie	\$2,845.73	\$2,838.75	\$6.98	\$0.00	\$2,845.73
Energy Management & Regulatory Consulting Ltd.	\$7,607.61	\$6,212.50	\$1,395.11	\$0.00	\$7,607.61
Sub-Total	\$10,453.34	\$9,051.25	\$1,402.09	\$0.00	\$10,453.34
TOTAL INTERVENER COSTS	\$909,861.27	\$636,983.35	\$59,301.89	\$24,705.62	\$714,740.86
TOTAL INTERVENER AND APPLICANT COSTS	\$973,514.91	\$698,836.35	\$61,102.53	\$24,705.62	\$778,394.50

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
APPLICANT					
ATCO Electric Ltd.					
Bennett Jones	\$125,870.08	\$121,857.00	\$4,013.08	\$0.00	\$125,870.08
ATCO Electric Ltd.	\$9,759.85	\$0.00	\$9,759.85	\$0.00	\$9,759.85
Sub-Total	\$135,629.93	\$121,857.00	\$13,772.93	\$0.00	\$135,629.93
Alberta Federation of REA's Ltd.					
Sisson Warren Sinclair	\$22,481.00	\$20,575.00	\$435.28	\$0.00	\$21,010.28
Sub-Total	\$22,481.00	\$20,575.00	\$435.28	\$0.00	\$21,010.28
Alberta HVAC Coalition					
Osler, Hoskin & Harcourt LLP	\$32,893.89	\$20,685.75	\$3,160.95	\$1,669.27	\$25,515.97
Merritt & Associates	\$27,877.97	\$18,937.50	\$804.18	\$1,381.92	\$21,123.60
Sub-Total	\$60,771.86	\$39,623.25	\$3,965.13	\$3,051.19	\$46,639.57
Alberta Irrigation Projects Association					
Unryn & Associates Ltd.	\$11,462.08	\$11,164.75	\$297.33	\$0.00	\$11,462.08
Sub-Total	\$11,462.08	\$11,164.75	\$297.33	\$0.00	\$11,462.08
Alberta Rural Utilities Association					
Brownlee Fryett	\$52,583.56	\$45,130.00	\$4,013.51	\$3,440.05	\$52,583.56
JBS Energy Inc.	\$13,938.97	\$13,469.39	\$469.58	\$975.73	\$14,914.70
Collins Barrow	\$41,182.16	\$38,472.00	\$16.00	\$2,694.16	\$41,182.16
Sub-Total	\$107,704.69	\$97,071.39	\$4,499.09	\$7,109.93	\$108,680.41
Less Cost Order Reduction					-\$12,500.00
Sub-Total					\$96,180.41
Alberta Urban Municipalities Association / City of Edmonton					
Reynolds, Mirth, Richards & Farmer LLP	\$43,881.92	\$37,712.50	\$3,298.64	\$2,870.78	\$43,881.92
Barry Shymanski Regulatory Consulting Ltd.	\$16,571.63	\$15,487.50	\$0.00	\$1,084.13	\$16,571.63
Sub-Total	\$60,453.54	\$53,200.00	\$3,298.64	\$3,954.90	\$60,453.54

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
Aboriginal Communities					
A.O. Ackroyd, Q.C.	\$5,479.00	\$5,479.00	\$0.00	\$0.00	\$5,479.00
Graves Engineering Corporation	\$9,771.75	\$8,204.00	\$1,567.75	\$0.00	\$9,771.75
Sub-Total	\$15,250.75	\$13,683.00	\$1,567.75	\$0.00	\$15,250.75
City of Calgary					
Energy Group, Inc.	\$13,032.80	\$8,894.51	\$320.85	\$276.48	\$9,491.83
Low Rosen Taylor Soriano	\$28,870.84	\$11,542.50	\$465.59	\$360.27	\$12,368.36
Concentric Energy (formerly Commonwealth Energy)	\$23,621.81	\$15,543.48	\$708.72	\$487.60	\$16,739.80
D'Arcy Deacon	\$54,060.53	\$42,658.74	\$3,125.26	\$1,373.61	\$47,157.61
Deeth Williams Wall	\$1,049.67	\$545.00	\$0.00	\$16.35	\$561.35
Peter J. Milne	\$3,033.45	\$2,835.00	\$0.00	\$85.06	\$2,920.06
Stephen Johnson	\$34,135.99	\$20,590.54	\$4,448.74	\$751.23	\$25,790.51
Stephens Consulting	\$934.75	\$655.20	\$0.00	\$19.66	\$674.86
Karen Sharp	\$20.95	\$0.00	\$19.58	\$0.59	\$20.17
Econalysis	\$4,364.63	\$2,394.00	\$614.03	\$90.25	\$3,098.28
Sub-Total	\$163,125.42	\$105,658.96	\$9,702.77	\$3,461.08	\$118,822.82
Consumer's Coalition of Alberta					
Wachowich & Company	\$10,625.56	\$8,313.00	\$1,617.43	\$695.13	\$10,625.56
Professional Regulatory Services, Inc.	\$16,797.31	\$15,640.00	\$58.42	\$1,098.89	\$16,797.31
Sub-Total	\$27,422.87	\$23,953.00	\$1,675.85	\$1,794.02	\$27,422.87
Direct Energy Marketing Limited					
Burnet, Duckworth & Palmer	\$35,398.50	\$33,716.00	\$1,682.50	\$0.00	\$35,398.50
Direct Energy Marketing Limited	\$5,776.91	\$0.00	\$5,776.91	\$0.00	\$5,776.91
Sub-Total	\$41,175.41	\$33,716.00	\$7,459.41	\$0.00	\$41,175.41

Transfer of Retail Assets to Direct Energy Marketing
(1299855)

Summary of Costs Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Amount Awarded (e)
Industrial Power Consumers Association of Alberta					
IPCAA	\$2,250.00	\$2,250.00	\$0.00	\$0.00	\$2,250.00
Sub-Total	\$2,250.00	\$2,250.00	\$0.00	\$0.00	\$2,250.00
Public Institutional Consumers of Alberta					
Nancy McKenzie	\$2,845.73	\$2,838.75	\$6.98	\$0.00	\$2,845.73
Energy Management & Regulatory Consulting Ltd.	\$7,607.50	\$6,212.50	\$1,395.00	\$0.00	\$7,607.50
Sub-Total	\$10,453.23	\$9,051.25	\$1,401.98	\$0.00	\$10,453.23
St. Michael's Extended Care Centre Society					
Carlin Energy Resources Management Ltd.	\$1,685.25	\$1,575.00	\$0.00	\$110.25	\$1,685.25
A.O. Ackroyd, Q.C.	\$2,637.55	\$2,465.00	\$0.00	\$172.55	\$2,637.55
Sub-Total	\$4,322.80	\$4,040.00	\$0.00	\$282.80	\$4,322.80
TOTAL INTERVENER COSTS	\$526,873.65	\$413,986.60	\$34,303.23	\$19,653.93	\$455,443.76
TOTAL INTERVENER AND APPLICANT COSTS	\$662,503.58	\$535,843.60	\$48,076.16	\$19,653.93	\$591,073.69