



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

**Compliance Filings Pursuant to
Decision 2003-073
ATCO I-Tek Master Services Agreement Module**

Cost Awards

ALBERTA ENERGY AND UTILITIES BOARD

Utility Cost Order 2004-36: ATCO Gas North and South, ATCO Pipelines North and South,
ATCO Electric Ltd.

Compliance Filings Pursuant to Decision 2003-073

ATCO I-Tek Master Services Agreement Module

Application Nos. 1319530 & 1319698

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ALBERTA ENERGY AND UTILITIES BOARD

Calgary, Alberta

**ATCO Utilities
Compliance Filings Pursuant to
Decision 2003-073
ATCO I-Tek Master Services
Agreement Module**

**Utility Cost Order 2004-36
Application Nos.: 1319530 & 1319698
File No. 8000-1319530-02**

1 INTRODUCTION

By letters dated October 31, 2003, ATCO Electric Ltd. (AE), ATCO Gas (AG), and ATCO Pipelines (AP) (collectively the ATCO Utilities) submitted compliance filings (Compliance Filings) as directed in Decision 2003-073 – the ATCO I-Tek Master Services Agreement (MSA) Module. The Compliance Filings submitted by the ATCO Utilities included a summary of the revisions made, and addendums (Amendment Agreements) to the three Master Services Agreements, one for each of AE, AG, and AP. The Compliance Filings also included the ATCO Utilities' clarification, as requested by the Board in Decision 2003-073, related to the application development/maintenance/enhancements (D/M/E) minimum commitment of 55,000 hours (D/M/E Commitment).

The City of Calgary (Calgary) and FIRM/NCC¹ submitted comments on the Compliance Filings by letters dated November 28, 2003, and ATCO Utilities replied to those letters on December 16, 2003, accordingly, the Board considers that the proceeding closed on December 16, 2003.

The Panel assigned to consider this matter consisted of B.T. McManus, Q.C. (Presiding Member), M.J. Bruni, Q.C. (Acting Member), and C. Dahl Rees (Acting Member). On March 12, 2004 the Board issued [Decision 2004-026](#).

On March 8, 2004 the EUB circulated summaries that reflected the costs being claimed against each Applicant respectively. Interested 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 to the Board by March 23, 2004. The Board did not receive any comments and accordingly, for purposes of this Cost Order, considers the cost process to have closed on March 23, 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 FIRM/NCC is comprised of the Alberta Association of Municipal Districts and Counties, the Alberta Federation of REA's Ltd., the Alberta Irrigation Projects Association, the Alberta Urban Municipalities Association, the Consumers Coalition of Alberta, the Public Institutional Consumers of Alberta, Canadian Forest Products Limited, the City of Edmonton, the Federation of Alberta Gas Co-ops Ltd., Gas Alberta Inc., and the Aboriginal Communities.

- (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 received a cost claim from the Alberta Urban Municipalities Association / City of Edmonton (AUMA) for total fees of \$2,868.00, total expenses of \$25.62, and total GST of \$202.55 for a total claim of \$3,096.17. AUMA allocated its claim amongst each Applicant as shown in [Appendices "A" through "E"](#) attached. The Board also received a cost claim from ATCO Gas North and South each in the amount of \$466.66 as shown in [Appendices "A" and "B"](#) attached.

The Board has reviewed the costs submitted by the 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", "C", "D", and "E"](#) to this Order in the total amount of \$4,029.50.

4 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, the Board has reduced this particular portion of their claim. Eligible GST approved by the Board amounts to \$54.69, \$54.69, \$18.23, \$6.08, and \$68.87 as shown in column (g) of [Appendices "A" through "E"](#) respectively. The GST allowed by the Board may also be charged against each Applicant's respective Hearing Cost Reserve Account.

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 \$835.97, as set out in column (h) of [Appendix "A"](#).
2. ATCO Gas North's external costs in the amount of \$466.66, as set out in column (h) of [Appendix "A"](#), are approved.
3. ATCO Gas North shall record in its Hearing Cost Reserve Account the allowed external applicant and intervener costs in the amount of \$1,302.63, as set out in column (h) of [Appendix "A"](#).
4. ATCO Gas South shall pay intervener costs in the amount of \$835.97, as set out in column (h) of [Appendix "B"](#).
5. ATCO Gas South's external costs in the amount of \$466.66, as set out in column (h) of [Appendix "B"](#), are approved.
6. ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed external applicant and intervener costs in the amount of \$1,302.63, as set out in column (h) of [Appendix "B"](#).
7. ATCO Pipelines North shall pay intervener costs in the amount of \$278.65, as set out in column (h) of [Appendix "C"](#).
8. ATCO Pipelines North shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$278.65, as set out in column (h) of [Appendix "C"](#).
9. ATCO Pipelines South shall pay intervener costs in the amount of \$92.89, as set out in column (h) of [Appendix "D"](#).
10. ATCO Pipelines South shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$92.89, as set out in column (h) of [Appendix "D"](#).

11. ATCO Electric Ltd. shall pay intervener costs in the amount of \$1,052.70, as set out in column (h) of [Appendix "E"](#).
12. ATCO Electric Ltd. shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$1,052.70, as set out in column (h) of [Appendix "E"](#).

Dated in Calgary, Alberta on this 19th day of May, 2004.

ALBERTA ENERGY AND UTILITIES BOARD

(original signed by)

Thomas McGee
Board Member

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

"UCO 2004-36
Appendix A (AGN I-Tek)

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

"UCO 2004-36
Appendix B (AGS I-Tek)

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

"UCO 2004-36
Appendix C (APN I-Tek)

APPENDIX D – SUMMARY OF COSTS CLAIMED AND AWARDED (APS)

"UCO 2004-36
Appendix D (APS I-Tek)

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

"UCO 2004-36
Appendix E (AE I-Tek)

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AGN
 ATCO I-Tek Compliance Filing
 (1319530-02)

Summary of Total Costs Claimed and Awarde

	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								
Bennett Jones LLP	\$462.50	\$4.16	\$0.00	\$466.66	\$462.50	\$4.16	\$0.00	\$466.66
Sub-Total	\$462.50	\$4.16	\$0.00	\$466.66	\$462.50	\$4.16	\$0.00	\$466.66
INTERVENERS								
Alberta Urban Municipalities Association								
Reynolds, Mirth, Richards & Farmer	\$407.16	\$6.92	\$28.99	\$443.07	\$407.16	\$6.92	\$28.99	\$443.07
R.L. Bruggeman Regulatory Consulting Ltd.	\$367.20	\$0.00	\$25.70	\$392.90	\$367.20	\$0.00	\$25.70	\$392.90
Sub-Total	\$774.36	\$6.92	\$54.69	\$835.97	\$774.36	\$6.92	\$54.69	\$835.97
TOTAL INTERVENER COSTS								
	\$774.36	\$6.92	\$54.69	\$835.97	\$774.36	\$6.92	\$54.69	\$835.97
TOTAL INTERVENER AND APPLICANT COSTS								
	\$1,236.86	\$11.08	\$54.69	\$1,302.63	\$1,236.86	\$11.08	\$54.69	\$1,302.63

**AGS
ATCO I-Tek Compliance Filing
(1319530-02)**

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 South								
Bennett Jones LLP	\$462.50	\$4.16	\$0.00	\$466.66	\$462.50	\$4.16	\$0.00	\$466.66
Sub-Total	\$462.50	\$4.16	\$0.00	\$466.66	\$462.50	\$4.16	\$0.00	\$466.66
INTERVENERS								
Alberta Urban Municipalities Association								
Reynolds, Mirth, Richards & Farmer	\$407.16	\$6.92	\$28.98	\$443.06	\$407.16	\$6.92	\$28.99	\$443.07
R.L. Bruggeman Regulatory Consulting Ltd.	\$367.20	\$0.00	\$25.70	\$392.90	\$367.20	\$0.00	\$25.70	\$392.90
Sub-Total	\$774.36	\$6.92	\$54.68	\$835.96	\$774.36	\$6.92	\$54.69	\$835.97
TOTAL INTERVENER COSTS								
	\$774.36	\$6.92	\$54.68	\$835.96	\$774.36	\$6.92	\$54.69	\$835.97
TOTAL INTERVENER AND APPLICANT COSTS								
	\$1,236.86	\$11.08	\$54.68	\$1,302.62	\$1,236.86	\$11.08	\$54.69	\$1,302.63

**APN
ATCO I-Tek Compliance Filing
(1319530-02)**

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 Pipelines North								
ATCO Pipelines 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								
Reynolds, Mirth, Richards & Farmer	\$135.72	\$2.30	\$9.66	\$147.68	\$135.72	\$2.30	\$9.66	\$147.68
R.L. Bruggeman Regulatory Consulting Ltd.	\$122.40	\$0.00	\$8.57	\$130.97	\$122.40	\$0.00	\$8.57	\$130.97
Sub-Total	\$258.12	\$2.30	\$18.23	\$278.65	\$258.12	\$2.30	\$18.23	\$278.65
TOTAL INTERVENER COSTS								
	\$258.12	\$2.30	\$18.23	\$278.65	\$258.12	\$2.30	\$18.23	\$278.65
TOTAL INTERVENER AND APPLICANT COSTS								
	\$258.12	\$2.30	\$18.23	\$278.65	\$258.12	\$2.30	\$18.23	\$278.65

**APS
ATCO I-Tek Compliance Filing
(1319530-02)**

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 Pipelines South								
ATCO Pipelines South	\$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								
Reynolds, Mirth, Richards & Farmer	\$45.24	\$0.77	\$3.22	\$49.23	\$45.24	\$0.77	\$3.22	\$49.23
R.L. Bruggeman Regulatory Consulting Ltd.	\$40.80	\$0.00	\$2.86	\$43.66	\$40.80	\$0.00	\$2.86	\$43.66
Sub-Total	\$86.04	\$0.77	\$6.08	\$92.89	\$86.04	\$0.77	\$6.08	\$92.89
TOTAL INTERVENER COSTS	\$86.04	\$0.77	\$6.08	\$92.89	\$86.04	\$0.77	\$6.08	\$92.89
TOTAL INTERVENER AND APPLICANT COSTS	\$86.04	\$0.77	\$6.08	\$92.89	\$86.04	\$0.77	\$6.08	\$92.89

AE
ATCO I-Tek Compliance Filing
(1319530-02)

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 Electric Ltd.								
ATCO Electric Ltd.	\$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								
Reynolds, Mirth, Richards & Farmer	\$512.72	\$8.71	\$36.50	\$557.93	\$512.72	\$8.71	\$36.50	\$557.93
R.L. Bruggeman Regulatory Consulting Ltd.	\$462.40	\$0.00	\$32.37	\$494.77	\$462.40	\$0.00	\$32.37	\$494.77
Sub-Total	\$975.12	\$8.71	\$68.87	\$1,052.70	\$975.12	\$8.71	\$68.87	\$1,052.70
TOTAL INTERVENER COSTS								
	\$975.12	\$8.71	\$68.87	\$1,052.70	\$975.12	\$8.71	\$68.87	\$1,052.70
TOTAL INTERVENER AND APPLICANT COSTS								
	\$975.12	\$8.71	\$68.87	\$1,052.70	\$975.12	\$8.71	\$68.87	\$1,052.70