



ATCO Gas, a division of ATCO Gas and Pipelines Ltd.

**2017 Annual Performance-Based Regulation Rate Adjustment
Filing**

Costs Award

February 7, 2017

Alberta Utilities Commission

Decision 22247-D01-2017

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1 Introduction

1. In this decision the Alberta Utilities Commission considers an application (the costs claim application) by the Consumers' Coalition of Alberta (CCA) for approval and payment of its costs of participation in Proceeding 21981¹ (the original proceeding). The following table sets out the costs claimed and the amounts awarded:

Claimant	Total Fees Claimed	Total Disbursements Claimed	Total GST Claimed	Total Amount Claimed	Total Fees Awarded	Total Disbursements Awarded	Total GST Awarded	Total Amount Awarded
CCA								
Wachowich & Company	\$770.00	\$0.00	\$38.50	\$808.50	\$770.00	\$0.00	\$38.50	\$808.50
Regulatory Services Inc.	\$4,995.00	\$26.40	\$251.07	\$5,272.47	\$4,995.00	\$26.40	\$251.07	\$5,272.47
Total	\$5,765.00	\$26.40	\$289.57	\$6,080.97	\$5,765.00	\$26.40	\$289.57	\$6,080.97

2. The Commission decided to approve the costs, as claimed, for the reasons provided below.

3. The original proceeding was convened by the Commission to consider the 2017 annual performance-based regulation rate adjustment filing submitted by ATCO Gas, a division of ATCO Gas and Pipelines Ltd. (ATCO Gas). The original proceeding included information requests (IR) and IR responses, argument and reply argument. The close of record for the original proceeding was November 8, 2016 and the Commission issued Decision 21981-D01-2016² on December 21, 2016.

4. The CCA submitted its costs claim application on December 8, 2016, within the 30 day timeline permitted by the Commission's rules. The Commission assigned Proceeding 22274 and Application 22274-A001 to the costs claim application.

5. No comments were filed with respect to the costs claim application and the Commission considers the close of record for this proceeding to be January 4, 2017, the deadline for filing comments.

¹ Proceeding 21981: ATCO Gas, a division of ATCO Gas and Pipelines Ltd. 2017 Annual Performance-Based Regulation Rate Adjustment Filing.

² Decision 21981-D01-2016: ATCO Gas, a division of ATCO Gas and Pipelines Ltd., 2017 Annual Performance-Based Regulation Rate Adjustment Filing, Proceeding 21981, December 21, 2016.

2 Commission findings

6. The Commission's authority to award costs for participation in a utility rates proceeding is found in Section 21 of the *Alberta Utilities Commission Act*. When considering a claim for costs for a utility rates proceeding, the Commission is also guided by the factors set out in Section 11 of Rule 022: *Rules on Costs in Utility Rate Proceedings* (Rule 022) which allows the Commission to consider, among other things, whether costs claims are reasonable and directly and necessarily related to the original proceeding, and whether the participants acted responsibly and contributed to a better understanding of the issues before the Commission. Appendix A of Rule 022 prescribes a Scale of Costs applicable to all costs claimed.

2.1 Consumers' Coalition of Alberta

7. The following table summarizes the CCA's costs claim.

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
CCA							
Wachowich & Company	1.50	0.00	0.70	\$770.00	\$0.00	\$38.50	\$808.50
Regulatory Services Inc.	15.50	0.00	3.00	\$4,995.00	\$26.40	\$251.07	\$5,272.47
Total	17.00	0.00	3.70	\$5,765.00	\$26.40	\$289.57	\$6,080.97

The Commission finds that the CCA acted responsibly in the original proceeding and contributed to a better understanding of the relevant issues in the proceeding.

Wachowich & Company

8. The CCA was represented by Wachowich & Company in the original proceeding. The fees claimed by the CCA for the legal services provided by Mr. Wachowich relate to reviewing the application, reviewing draft IRs, and reviewing the CCA's argument and reply argument.

9. The Commission finds that the services performed by Mr. Wachowich were directly and necessarily related to the CCA's participation in the original proceeding, and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves the CCA's claim for legal fees for Wachowich & Company in the amount of \$770.00 and GST of \$38.50 for a total of \$808.50.

Regulatory Services Inc.

10. Regulatory Services Inc. was retained by the CCA to perform consulting services in the original proceeding. The fees claimed by the CCA for the consulting services provided by Mr. Jodoin relate to reviewing the application, drafting IRs, reviewing IR responses, and drafting the CCA's argument and reply argument.

11. The Commission finds that the services performed by Mr. Jodoin were directly and necessarily related to the CCA's participation in the original proceeding, and that the fees and disbursements, which were claimed in accordance with the Scale of Costs for those services, are reasonable. Accordingly, the Commission approves the CCA's claim for consulting fees for Regulatory Services Inc. in the amount of \$4,995.00, disbursements for photocopies of \$26.40 and GST of \$251.07 for a total of \$5,272.47.

Total costs awarded

12. Accordingly, the Commission approves the CCA's claim for recovery of costs in the total amount of \$6,080.97. This amount is composed of legal fees of \$770.00, consulting fees of \$4,995.00, disbursements of \$26.40 and GST of \$289.57.

3 Future costs claims

13. In Decision 21747-DO1-2017,³ issued on January 30, 2017, the Commission directed the CCA to include in all future costs applications a letter providing the following information. The CCA is reminded to include the directed letter in applications submitted after January 30, 2017.

Therefore, to ensure transparency regarding the CCA's participation and eligibility to recover costs in future Commission proceedings, the Commission directs the CCA to enclose a letter, in all future costs claim applications, confirming that it has retained the services of external legal counsel and external consultants to assist in its participation with respect to a particular proceeding. The letter must clearly indicate: a) the name of the legal counsel and the consultants retained; b) the subject matter to be covered by each of the consultants; c) whether the consultants received instructions directly from the CCA's representatives or from legal counsel; and d) whether the instructions provided were followed by counsel and the consultants to the CCA's satisfaction, including any instructions on how common costs of participating in intervenor coalitions should be apportioned.⁴

³ Decision 21747-D01-2017: ATCO Electric Ltd., 2015-2017 Transmission General Tariff Application Costs Award, Proceeding 21747, January 30, 2017.

⁴ Decision 21747-D01-2017, paragraph 50.

4 Order

14. It is hereby ordered that:

- 1) ATCO Gas, a division of ATCO Gas and Pipelines Ltd. shall pay intervener costs to the Consumers' Coalition of Alberta in the amount of \$6,080.97.
- 2) ATCO Gas, a division of ATCO Gas and Pipelines Ltd., shall record in its Deferred AUC and Intervener Costs account the approved intervener amounts of \$6,080.97.

Dated on February 7, 2017.

Alberta Utilities Commission

(original signed by)

Mark Kolesar
Vice-Chair