

**THE PROVINCE OF ALBERTA**

***PUBLIC UTILITIES BOARD ACT***

**ALBERTA ENERGY AND UTILITIES BOARD**

IN THE MATTER of ATCO Gas South  
2001/2002 General Rate Application  
Evaluation of the Need for a 2002 Phase II

**UTILITY COST ORDER 2003-62b**

Application Number: 1286129  
Cost File Number: 8000-1286129 (01)  
Board File Number: 1307-1-4

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WHEREAS the Alberta Energy and Utilities Board issued Utility Cost Order 2003-62 (UCO 2003-62) on August 11, 2003 and Utility Cost Order 2003-62a (UCO 2003-62a) on September 23, 2003; and

WHEREAS UCO 2003-62 stated the following with respect to ATCO Gas South (ATCO):

The Board has reviewed the cost claim submitted by ATCO and notes that the claim has been filed outside the stipulated 30 day time period by 31 days. The Board further notes that no explanation accompanied the claim. Guide 31B clearly states the following:

Cost claims not received within the 30-day period are not considered unless special circumstances exist. If, in the opinion of the Board, the circumstances cited do not justify the late filing of the claim, the Board considers the claim withdrawn.

Based on the above the Board will not accept ATCO's cost claim at this time. Should ATCO comply with Guide 31B and provide a reasonable explanation for the delay in filing, the Board will then consider the claim notwithstanding this Order. ATCO's comments concerning the delayed filing must be submitted to the Board within 30 days of the issuance of this Order.

WHEREAS UCO 2003-62 stated the following with respect to the City of Calgary (Calgary):

The Board has reviewed the cost claim submitted by Calgary and notes that the claim has been filed outside the stipulated 30 day time period by 28 days. The Board further notes that no explanation accompanied the claim. Guide 31B clearly states the following:

Cost claims not received within the 30-day period are not considered unless special circumstances exist. If, in the opinion of the Board, the circumstances cited do not justify the late filing of the claim, the Board considers the claim withdrawn.

Based on the above the Board will not accept Calgary's cost claim at this time. Should Calgary comply with Guide 31B and provide a reasonable explanation for the delay in filing, the Board will then consider the claim notwithstanding this Order. Calgary's comments concerning the delayed filing must be submitted to the Board within 30 days of the issuance of this Order.

By letter dated August 26, 2003, ATCO provided justification for the late filing. ATCO advised that due to its heavy regulatory schedule it relies on the Board's website to provide the filing deadlines. ATCO noted that the website did not provide information for this particular proceeding prior to the filing deadline.

By letter dated August 20, 2003, Calgary provided its justification for the late filing. Calgary advised that due to the nature of the proceeding, particularly the issue of whether ATCO would be required to file a 2002 Phase II application, it concluded that the close of proceeding would be at the time the Board issued its Decision. Calgary further went on to say that it also relied on the Board's website with respect to the appropriate filing date. Calgary also pointed out that the website did not provide information for this particular proceeding prior the filing deadline.

The Board strongly advises parties, as stated on the Board's website, that the chart displayed is for informational purposes only and does not provide deadlines for all proceedings before the Board. Parties are expected to file their claims pursuant to rule 53(3)(a) of the Board's *Rules of Practice* and pursuant to part 3 of Guide 31B.

In these instances the Board will apply its discretion and accept the justification provided.

Upon review of the costs submitted by Calgary, the Board notes that Patricia Quinton-Campbell, of Burnet, Duckworth & Palmer, claimed for 2.5 hours at an hourly of \$250.00 (\$625.00). Based on Ms. Quinton-Campbell's years of experience this rate is in excess of the Board's *Scale of Costs*. Justification for the increased rate was not provided and as such the Board does not find it reasonable to approve the fees above the *Scale of Costs*.

Based on the foregoing, the Board finds it appropriate to reduce Ms. Quinton-Campbell's fees by \$75.00 to conform to the *Scale of Costs* [\$625.00 – (2.2 x \$220.00)].

The Board has reviewed the remaining costs submitted by Calgary as well as the costs submitted by ATCO, bearing in mind the principles specified in the Board's *Scale of Costs*. The Board finds that the participation of ATCO and Calgary, for the most part, was 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, except as mentioned above, 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 these participants to be reasonable as outlined in the Amended Amended Schedule "A".

THEREFORE, the Alberta Energy and Utilities Board, hereby amends UCO 2003-62 as to the following particulars:

1. The fees and disbursements awarded to ATCO Gas South, as listed in column (e) of Schedule "A", are amended to read \$1,291.32, as reflected in the Amended Amended Schedule "A" attached.

2. The fees, disbursements, and applicable GST awarded to the City of Calgary, as listed in column (e) of Schedule "A", are amended to read \$11,582.36, as reflected in the Amended Amended Schedule "A" attached.
3. Paragraphs 1) and 2) on page four are amended to read as follows:
  - 1) ATCO Gas South shall pay intervener costs in the amount of \$19,102.28, as set out in column (e) of Schedule "A".
  - 2) ATCO Gas South shall record in its Hearing Cost Reserve Account the allowed intervener and applicant costs in the amount of \$20,393.60, as set out in column (e) of Schedule "A".

MADE at the City of Calgary, in the Province of Alberta, this 24th day of March, 2004.

**ALBERTA ENERGY  
AND UTILITIES BOARD**

(original signed by)

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**Thomas McGee  
Board Member**

ATCO Gas South  
Application No.: 1286129

Summary of Total Costs Claimed and Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Fees, Disbursements, and GST Awarded (e)
<b>APPLICANT</b>					
<b>ATCO Gas South</b>					
ATCO Gas South	\$300.69	\$0.00	\$300.69	\$0.00	\$300.69
Bennett Jones	\$990.63	\$950.00	\$40.63	\$0.00	\$990.63
<b>Sub-Total</b>	<b>\$1,291.32</b>	<b>\$950.00</b>	<b>\$341.32</b>	<b>\$0.00</b>	<b>\$1,291.32</b>
<b>INTERVENERS</b>					
<b>Alberta Urban Municipalities Association</b>					
Bryan & Company	\$1,238.60	\$1,150.00	\$7.40	\$81.02	\$1,238.42
Robert L. Bruggeman Regulatory Consulting Ltd.	\$1,498.00	\$1,400.00	\$0.00	\$98.00	\$1,498.00
<b>Sub-Total</b>	<b>\$2,736.60</b>	<b>\$2,550.00</b>	<b>\$7.40</b>	<b>\$179.02</b>	<b>\$2,736.42</b>
<b>Alberta Irrigation Projects Association</b>					
Unryn & Associates Ltd.	\$1,387.50	\$1,387.50	\$0.00	\$0.00	\$1,387.50
<b>Sub-Total</b>	<b>\$1,387.50</b>	<b>\$1,387.50</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,387.50</b>
<b>City of Calgary</b>					
Burnet, Duckworth & Palmer	\$3,711.51	\$3,389.00	\$4.70	\$101.82	\$3,495.52
Energy Group, Inc.	\$8,400.88	\$7,851.29	\$0.00	\$235.55	\$8,086.84
<b>Sub-Total</b>	<b>\$12,112.39</b>	<b>\$11,240.29</b>	<b>\$4.70</b>	<b>\$337.37</b>	<b>\$11,582.36</b>

ATCO Gas South  
Application No.: 1286129

Summary of Total Costs Claimed and Awarded

	Total Amount Claimed (a)	Total Fees Awarded (b)	Total Disbursements Awarded (c)	Total GST Awarded (d)	Total Fees, Disbursements, and GST Awarded (e)
<b>Federation of Alberta Gas Co-ops Ltd. / Gas Alberta Inc.</b>					
Campbell Ryder Consulting Group Ltd.	\$2,884.72	\$2,662.50	\$33.50	\$0.00	\$2,696.00
Brownlee Fryett	\$749.00	\$700.00	\$0.00	\$0.00	\$700.00
<b>Sub-Total</b>	<b>\$3,633.72</b>	<b>\$3,362.50</b>	<b>\$33.50</b>	<b>\$0.00</b>	<b>\$3,396.00</b>
<b>TOTAL INTERVENER COSTS</b>	<b>\$19,870.21</b>	<b>\$18,540.29</b>	<b>\$45.60</b>	<b>\$516.39</b>	<b>\$19,102.28</b>
<b>TOTAL COSTS</b>	<b>\$21,161.53</b>	<b>\$19,490.29</b>	<b>\$386.92</b>	<b>\$516.39</b>	<b>\$20,393.60</b>