



**ATCO Gas and Pipelines Ltd.**

**2016 Performance-Based Regulation Capital Tracker True-Up**

**Costs Award**

**March 5, 2018**

**Alberta Utilities Commission**

Decision 23211-D01-2018

ATCO Gas and Pipelines Ltd.

2016 Performance-Based Regulation Capital Tracker True-Up

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Fifth Avenue Place, Fourth Floor, 425 First Street S.W.

Calgary, Alberta

T2P 3L8

Telephone: 403-592-8845

Fax: 403-592-4406

Website: [www.auc.ab.ca](http://www.auc.ab.ca)

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**Alberta Utilities Commission**  
**Calgary, Alberta**

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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 22819<sup>1</sup> (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	\$4,532.50	\$0.00	\$226.63	\$4,759.13	\$4,532.50	\$0.00	\$226.63	\$4,759.13
Regulatory Services Inc.	\$19,237.50	\$65.40	\$1,923.75	\$21,226.65	\$19,237.50	\$31.80	\$963.47	\$20,232.77
<b>Total</b>	<b>\$23,770.00</b>	<b>\$65.40</b>	<b>\$2,150.38</b>	<b>\$25,985.78</b>	<b>\$23,770.00</b>	<b>\$31.80</b>	<b>\$1,190.10</b>	<b>\$24,991.90</b>

2. The Commission has awarded the applicant costs in an amount less than the amount claimed for the reasons set out below.

3. The original proceeding was convened by the Commission to consider an application by ATCO Gas and Pipelines Ltd. (ATCO Gas distribution) for approval of its 2016 capital tracker true-up. The original proceeding included information requests (IRs), responses to IRs, argument and reply argument. The close of record for the original proceeding was November 15, 2017 and the Commission issued Decision 22819-D01-2018<sup>2</sup> on February 13, 2018.

4. The CCA submitted its costs claim application on December 15, 2017, within the 30 day timeline permitted by the Commission's rules. The Commission assigned Proceeding 23211 and Application 23211-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, 2018, the deadline for filing comments.

## 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

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<sup>1</sup> Proceeding 22819: ATCO Gas and Pipelines Ltd. 2016 Capital Tracker True-Up Application.

<sup>2</sup> Decision 22819-D01-2018: ATCO Gas and Pipelines Ltd. 2016 Performance-Based Regulation Capital Tracker True-Up, Proceeding 22819, February 13, 2018.

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). These factors include, among other things, whether eligible participants' 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	9.55	0.00	3.40	\$4,532.50	\$0.00	\$226.63	\$4,759.13
Regulatory Services Inc.	45.75	0.00	25.50	\$19,237.50	\$65.40	\$1,923.75	\$21,226.65
<b>Total</b>	<b>55.30</b>	<b>0.00</b>	<b>28.90</b>	<b>\$23,770.00</b>	<b>\$65.40</b>	<b>\$2,150.38</b>	<b>\$25,985.78</b>

8. The Commission finds that the CCA acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. However, the Commission is unable to approve the full amount of the costs claimed in respect of the services performed by Regulatory Services Inc. for the reasons set out below.

### Wachowich & Company

9. The CCA was represented by Wachowich & Company in the original proceeding. The fees claimed by the CCA for the legal services provided by Mr. James Wachowich relate to reviewing the application, finalizing IRs, and editing argument.

10. The Commission finds that the services performed by Wachowich & Company 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 \$4,532.50 and GST of \$226.63 for a total of \$4,759.13.

### Regulatory Services Inc.

11. 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 a brief on steel mains replacement deficiencies, drafting IRs, reviewing IRs from other parties, reviewing IR responses and preparing argument.

12. The Commission finds that the services performed by Regulatory Services Inc. 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. However, there was a discrepancy in the amount of the disbursements claimed.

13. The Commission has reviewed the disbursements for photocopying and mileage claimed by the CCA. The Form U2, “Summary of professional fees and disbursements claimed” shows \$31.80 for mileage and \$33.60 for photocopying. Supporting invoices include a \$31.80 charge for photocopying. Accordingly, the Commission approves the amounts supported by Mr. Jodoin’s invoices, which only billed \$31.80 for photocopying. In any event, neither a technical meeting nor an oral hearing was held in the original proceeding, and any corresponding disbursements for mileage are not recoverable under Section 2, Schedule A of Rule 022.

14. Further, in the costs claim application at Form U1, “Summary of total costs claimed,” the amount of GST requested in relation to professional services was recorded as \$1,923.75. Form U2 and the supporting invoice from Mr. Jodoin shows the correct GST for professional services of \$961.88 and GST on disbursements of \$1.59. The Commission approves GST for professional fees and disbursements in the total amount of \$963.47.

15. Accordingly, the Commission approves the CCA’s claim for consulting fees for Regulatory Services Inc. in the amount of \$19,237.50, disbursements of \$31.80 and GST of \$963.47, for a total of \$20,232.77.

### **Total amount awarded**

16. For the reasons provided above, the Commission approves the CCA’s claim for recovery of costs in the total amount of \$24,991.90. This amount is composed of legal fees of \$4,532.50, consulting fees of \$19,237.50, disbursements of \$31.80 and GST of \$1,230.10.

### **3 Order**

17. It is hereby ordered that:

- 1) ATCO Gas and Pipelines Ltd. shall pay intervener costs to the Consumers’ Coalition of Alberta in the amount of \$24,991.90.
- 2) ATCO Gas and Pipelines Ltd. shall record in its Deferred AUC and Intervener Costs account approved intervener costs in the amount of \$24,991.90.

Dated on March 5, 2018.

### **Alberta Utilities Commission**

*(original signed by)*

Mark Kolesar  
Vice-Chair