

THE PROVINCE OF ALBERTA

PUBLIC UTILITIES BOARD ACT

ALBERTA ENERGY AND UTILITIES BOARD

IN THE MATTER of AltaGas Utilities Inc.
Gas Cost Recovery Rate Refund for the
2001 Summer Period

UTILITY COST ORDER 2002-40

Application Number: 1248254
Cost File Number: 8000-1248254 (01)
Board File Number: 5628-42

1. DECISION

By letters dated November 21 and November 22, 2001, AltaGas Utilities Inc. (AltaGas) filed an application with the Alberta Energy and Utilities Board (the Board) for approval to make a one-time credit refund aggregating approximately \$5.5 million, including credit interest accrued on amounts in excess of monthly prescribed tolerance levels, from its 2001 summer period deferred gas account.

AltaGas stated that it provided copies of the Application to customer interest groups that participated in its 2001 summer period and 2001/2002 winter period GCRR application proceedings. AltaGas advised these groups that they were to provide the Board with any comments or concerns about the application. The Board notes that all responses received as a result of the distribution to these groups indicated acceptance for the refund proposal.

On November 29, 2001 the Board issued Order U2001-316.

On March 25, 2002 the Board received a cost claimed from Unryn & Associates Ltd. on behalf of the Energy Users Association of Alberta in the amount of \$680.00. On May 2, 2002 the Board circulated a summary of costs to interested parties advising that any comments to the summary had to be submitted to the Board by no later than May 9, 2002. No further cost claims or comments were received.

The Board's authority to award costs is derived from section 68 of the *Public Utilities Board Act*, 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.
- (2) 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 directed by Part 4 of its Rules of Practice and is guided by the principles and policies expressed in Guide 31B, *Guidelines for Utility Cost Claims*. 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.

It is the EUB's position that the responsibility to positively contribute to the process is inherent in the choice to intervene in a proceeding. The EUB 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.

As the costs of a proceeding are generally passed on to customers, it is the Board's duty to ensure that customers receive fair value for their 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.

The Board has reviewed the costs submitted by the Energy Users Association of Alberta, bearing in mind the principles specified in the Board's *Scale of Costs*. The Board notes that Unryn & Associates Ltd. provided assistance to this intervener in understanding the application. The Board finds this claim to be reasonable and necessarily related to the proceeding. The Board also notes that the claim for professional fees is in accordance with the *Scale of Costs*. Accordingly, the Board approves this intervener's claim in the amount of \$680.00.

In accordance with the Board's treatment of the GST on cost awards, AltaGas is required to pay only that portion of the GST paid by the intervener that may not be recoverable through the GST credit mechanism. Eligible GST approved by the Board amounts to \$0.00.

The Board emphasizes that its treatment of the GST claimed in no way relieves the participant or their lawyers and consultants from their GST obligations pursuant to the *Excise Tax Act* R.S. c. E-13.

2. ORDER

THEREFORE, for the reasons provided above, the Alberta Energy and Utilities Board, pursuant to the provisions of the *Public Utilities Board Act* and regulations hereunder, hereby orders as follows:

- 1) AltaGas Utilities Inc. shall pay intervener costs in the amount of \$680.00.
- 2) AltaGas Utilities Inc. shall record in its Hearing Cost Reserve Account the allowed intervener costs in the amount of \$680.00.

MADE at the City of Calgary, in the Province of Alberta, this 22nd day of May, 2002.

ALBERTA ENERGY AND UTILITIES BOARD

Original Signed by Thomas McGee

Thomas McGee

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)
Applicant					
AltaGas Utilities Inc.					
AltaGas Utilities Inc.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sub-Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Intervenors					
Energy Users Association of Alberta					
Unryn & Associates Limited	\$680.00	\$680.00	\$0.00	\$0.00	\$680.00
Sub-Total	\$680.00	\$680.00	\$0.00	\$0.00	\$680.00
TOTAL INTERVENER COSTS	\$680.00	\$680.00	\$0.00	\$0.00	\$680.00
TOTAL COSTS	\$680.00	\$680.00	\$0.00	\$0.00	\$680.00