



**ATCO Pipelines
Office of the Utilities Consumer Advocate**

Decision on Preliminary Question

**Applications for Review of Decision 22986-D01-2018
Compliance Application to Decision 22011-D01-2017
ATCO Pipelines 2017-2018 General Rate Application**

Costs Award

January 30, 2019

Alberta Utilities Commission

Decision 24006-D01-2019

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Contents

1	Introduction	1
2	Commission findings	2
	2.1 ATCO Pipelines	2
3	Order	3

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1 Introduction

1. In this decision, the Alberta Utilities Commission considers an application (the costs claim application) by ATCO Pipelines, a division of ATCO Gas and Pipelines Ltd. (ATCO Pipelines) for approval and payment of its costs of participation in the review application by the Office of the Utilities Consumer Advocate (UCA) as part of Proceeding 23539¹ (the review proceeding). Both ATCO Pipelines and the UCA filed applications in Proceeding 23539 to review Decision 22986-D01-2018, but ATCO Pipelines' application for its costs of participation relates only to the application that the UCA filed for review. 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
ATCO Pipelines								
Bennett Jones LLP	\$5,005.00	\$0.00	\$0.00	\$5,005.00	\$4,445.00	\$0.00	\$0.00	\$4,445.00

2. The Commission has awarded reduced costs to ATCO Pipelines for the reasons provided below.

3. The review proceeding was convened by the Commission to consider whether to grant applications by ATCO Pipelines and the UCA to review Decision 22986.² The review proceeding included opportunities to file submissions and to file reply submissions. The close of record of the proceeding was June 29, 2018 and the Commission issued Decision 23539-D01-2018³ on September 27, 2018.

¹ Proceeding 23539: ATCO Pipelines, Office of the Utilities Consumer Advocate, Decision on Preliminary Question, Applications for review of Decision 22986-D01-2018, Compliance application to Decision 22011-D01-2017, ATCO Pipelines 2017-2018 General Rate Application.

² Decision 22986-D01-2018: ATCO Pipelines, a division of ATCO Gas and Pipelines Ltd., Compliance Application to Decision 22011-D01-2017, 2017-2018 General Rate Application, Proceeding 22986, March 13, 2018.

³ Decision 23539-D01-2018: ATCO Pipelines, Office of the Utilities Consumer Advocate, Decision on Preliminary Question, Applications for review of Decision 22986-D01-2018, Compliance application to Decision 22011-D01-2017, ATCO Pipelines 2017-2018 General Rate Application, Proceeding 23539, September 27, 2018.

4. ATCO Pipelines submitted its costs claim application on October 26, 2018, within the 30 day timeline permitted by the Commission’s rules. The Commission assigned Proceeding 24006 and Application 24006-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 November 5, 2018, the deadline for filing comments.

2 Commission findings

6. The Commission’s authority to award costs for participation in a proceeding to consider an application to review a decision on a utility rates matter is found in Section 21 of the *Alberta Utilities Commission Act*. The Commission has applied the provisions of Section 5 and Section 11 of Rule 022: *Rules on Costs in Utility Rate Proceedings*. Section 11 allows the Commission to consider, among other things, whether costs claims are reasonable and directly and necessarily related to the review 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 ATCO Pipelines

7. The following table summarizes ATCO Pipelines’ costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
ATCO Pipelines							
Bennett Jones LLP	14.70	0.00	0.00	\$5,005.00	\$0.00	\$0.00	\$5,005.00

8. The Commission finds that ATCO Pipelines acted responsibly in the review proceeding and contributed to the Commission’s understanding of the relevant issues in the proceeding. However, the Commission is unable to approve the full amount of the costs claimed for the reasons set out below.

Bennett Jones LLP

9. ATCO Pipelines was represented by Bennett Jones LLP (Bennett Jones) in the review proceeding. The fees claimed by ATCO Pipelines for the legal services provided by Mr. Nick Gretener and Mr. Tim Myers relate to reviewing the UCA’s application, researching the costs claim process for review applications and drafting and reviewing submissions.

10. The Commission finds that the services performed by Bennett Jones were directly and necessarily related to ATCO Pipeline’s participation in the review proceeding, and that the majority of the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. However, the two hours claimed for researching the costs claim process for review applications are disallowed. The Commission does not permit the recovery of costs incurred in the preparation of costs claims because these costs do not contribute to a better understanding of the issues before the Commission in the original proceeding. Accordingly, the

Commission approves ATCO Pipeline's claim for legal fees for Bennett Jones in the amount of \$4,445.00.

3 Order

11. It is hereby ordered that:

- 1) ATCO Gas and Pipelines Ltd. (ATCO Pipelines) shall pay external costs in the amount of \$4,445.00.
- 2) ATCO Gas and Pipelines Ltd. (ATCO Pipelines) shall record in its Reserve for Hearing Costs account approved external costs in the amount of \$4,445.00.

Dated on January 30, 2019.

Alberta Utilities Commission

(original signed by)

Mark Kolesar
Chair