



ATCO Gas and Pipelines Ltd.

2017 Performance-Based Regulation Capital Tracker True-Up

Costs Award

January 23, 2019

Alberta Utilities Commission

Decision 24084-D01-2019

ATCO Gas and Pipelines Ltd.

2017 Performance-Based Regulation Capital Tracker True-Up

Costs Award

Proceeding 24084

January 23, 2019

Published by

Alberta Utilities Commission

Eau Claire Tower, 1400, 600 Third Avenue S.W.

Calgary, Alberta

T2P 0G5

Telephone: 403-592-8845

Fax: 403-592-4406

Website: www.auc.ab.ca

Contents

1	Introduction	1
2	Commission findings	2
	2.1 Consumers' Coalition of Alberta	2
3	Order	3

1 Introduction

1. In this decision, the Alberta Utilities Commission considers an application by the Consumers' Coalition of Alberta (CCA) for approval and payment of its costs of participation in Proceeding 23789¹ (the original proceeding).

2. 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	\$1,190.00	\$0.00	\$59.50	\$1,249.50	\$1,190.00	\$0.00	\$59.50	\$1,249.50
Regulatory Services Inc.	\$17,172.00	\$20.90	\$859.65	\$18,052.55	\$17,172.00	\$20.90	\$859.65	\$18,052.55
Total	\$18,362.00	\$20.90	\$919.15	\$19,302.05	\$18,362.00	\$20.90	\$919.15	\$19,302.05

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

4. The original proceeding was convened by the Commission to consider the 2017 capital tracker true-up application filed by ATCO Gas and Pipelines Ltd. (ATCO Gas). The original proceeding included information requests (IRs), responses to IRs, argument and reply argument. The close of record for the original proceeding was October 24, 2018 and Decision 23789-D01-2019 was issued January 22, 2019.²

5. The CCA submitted its costs claim application on November 23, 2018, within the 30 day timeline permitted by the Commission's rules. The Commission assigned Proceeding 24084 and Application 24084-A001 to the costs claim application.

6. 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 30, 2018, the deadline for filing comments.

¹ Proceeding 23789: ATCO Gas and Pipelines Ltd., 2017 Performance-Based Regulation Capital Tracker True-Up.

² Decision 23789-D01-2019: ATCO Gas and Pipelines Ltd., 2017 Performance-Based Regulation Capital Tracker True-Up, Proceeding 23789, January 22, 2019.

2 Commission findings

7. 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 by eligible participants for costs incurred in connection with 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

8. The following table summarizes the CCA's costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
CCA							
Wachowich & Company	2.00	0.00	1.40	\$1,190.00	\$0.00	\$59.50	\$1,249.50
Regulatory Services Inc.	37.30	0.00	26.30	\$17,172.00	\$20.90	\$859.65	\$18,052.55
Total	39.30	0.00	27.70	\$18,362.00	\$20.90	\$919.15	\$19,302.05

9. The Commission finds that the CCA acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues.

Wachowich & Company

10. The CCA was represented by Wachowich & Company (Wachowich) in the original proceeding. The fees claimed by the CCA for the legal services provided by Mr. James Wachowich relate to reviewing the application, drafts of IRs, responses to IRs, argument and reply argument.

11. The Commission finds that the services performed by 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 in the amount of \$1,190.00 and GST of \$59.50 for a total of \$1,249.50.

Regulatory Services Inc.

12. Regulatory Services Inc. (Regulatory Services) 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. Jeffrey Jodoin relate to reviewing the application, developing recommendations, conducting research, and drafting IRs, argument and reply argument.

13. The Commission finds that the services performed by Regulatory Services 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 in the amount of \$17,172.00, disbursements for photocopying of \$20.90 and GST of \$859.65 for a total of \$18,052.55.

Total awarded

14. For the reasons provided above, the Commission approves the CCA's claim for recovery of costs in the total amount of \$19,302.05. This amount is composed of legal fees of \$1,190.00, consulting fees of \$17,172.00, disbursements of \$20.90 and GST of \$919.15.

3 Order

15. It is hereby ordered that:

- 1) ATCO Gas and Pipelines Ltd. (ATCO Gas) shall pay intervener costs to the Consumers' Coalition of Alberta in the amount of \$19,302.05.
- 2) ATCO Gas and Pipelines Ltd. (ATCO Gas) shall record in its Deferred AUC and Intervener Costs account approved intervener costs in the amount of \$19,302.05.

Dated on January 23, 2019.

Alberta Utilities Commission

(original signed by)

Bohdan (Don) Romaniuk
Acting Commission Member