



AltaGas Utilities Inc.

**2019 Annual Performance-Based Regulation Rate
Adjustment Filing**

Costs Award

February 13, 2019

Alberta Utilities Commission

Decision 24135-D01-2019

AltaGas Utilities Inc.

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Proceeding 24135

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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

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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 23898¹ (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	\$1,102.50	\$0.00	\$55.13	\$1,157.63	\$1,102.50	\$0.00	\$55.13	\$1,157.63
Regulatory Services Inc.	\$7,195.50	\$0.00	\$359.78	\$7,555.28	\$6,777.00	\$0.00	\$338.85	\$7,115.85
Total	\$8,298.00	\$0.00	\$414.91 ²	\$8,712.91 ³	\$7,879.50	\$0.00	\$393.98	\$8,273.48

3. The Commission has awarded reduced costs to the CCA for the reasons set out below.

4. The original proceeding was convened by the Commission to consider AltaGas Utilities Inc.'s 2019 annual performance-based regulation rate adjustment filing. The original proceeding included information requests (IRs), responses to IRs, argument and reply argument. The close of record for the original proceeding was November 13, 2018 and the Commission issued Decision 23898-D01-2018 (Errata)⁴ on December 20, 2018.

5. The CCA submitted its costs claim application on December 12, 2018, within the 30-day timeline permitted by the Commission's rules. The Commission assigned Proceeding 24135 and Application 24135-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 December 14, 2018, the deadline for filing comments.

¹ Proceeding 23898: AltaGas Utilities Inc., 2019 Annual Performance-Based Regulation Rate Adjustment Filing.

² In Exhibit 24135-X0001, PDF page 7, Form U1 – Summary of Total Costs Claimed, the Commission notes an error in adding the “GST - Total GST on Fees and Disbursements” column, and has corrected it.

³ In Exhibit 24135-X0001, PDF page 7, Form U1 – Summary of Total Costs Claimed, the Commission notes an error in adding the “Total Fees, Disbursements, & GST” column, and has corrected it.

⁴ Decision 23898-D01-2018 (Errata): AltaGas Utilities Inc., 2019 Annual Performance-Based Regulation Rate Adjustment Filing, Proceeding 23898, December 20, 2018.

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). This Rule 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	1.50	0.00	1.65	\$1,102.50	\$0.00	\$55.13	\$1,157.63
Regulatory Services Inc.	13.95	0.00	12.70	\$7,195.50	\$0.00	\$359.78	\$7,555.28
Total	15.45	0.00	14.35	\$8,298.00	\$0.00	\$414.91	\$8,712.91

9. 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. (Regulatory Services) for the reasons set out below.

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 and drafts of IRs, reviewing responses to IRs and draft argument and the CCA's reply letter.

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 \$1,102.50 and GST of \$55.13 for a total of \$1,157.63.

Regulatory Services Inc.

12. 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. Jan Thygesen and Mr. Jeffrey Jodoin relate to reviewing the application, drafting IRs, assessing responses to IRs, drafting argument and the CCA's reply letter. Mr. Thygesen provided technical analysis of the annual rates portion of the application and Mr. Jodoin assisted with the capital portion of the application. The Commission notes that the CCA's November 14, 2018 reply letter

confirmed that the CCA had no reply argument and the Commission has taken this into consideration.⁵

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 majority of the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. However, the detailed "Times and tasks for Jan Thygesen"⁶ includes 0.25 hours on 27-Oct for which no associated task was described. The Commission has reduced the awarded hours for Mr. Thygesen by 0.25 hours to 8.40 hours.

14. In addition, while the U2 Form⁷ for Regulatory Services lists a total of 18.0 hours for Mr. Jodoin, the "Time Sheet – Jodoin"⁸ shows a total of 16.7 hours. The Commission has reduced the awarded hours for Mr. Jodoin to 16.7 hours.

15. Accordingly, the Commission approves the CCA's claim for consulting fees for Regulatory Services in the amount of \$6,777.00 (25.1 hours x \$270.00) and GST of \$338.85 for a total of \$7,115.85.

Total awarded

16. For the reasons provided above, the Commission approves the CCA's claim for recovery of costs in the total amount of \$8,273.48. This amount is composed of legal fees of \$1,102.50, consulting fees of \$6,777.00 and GST of \$393.98.

⁵ Exhibit 23898-X0030.

⁶ Exhibit 24135-X0001, PDF page 16.

⁷ Exhibit 24135-X0001, PDF page 9.

⁸ Exhibit 24135-X0001, PDF page 15.

3 Order

17. It is hereby ordered that:

- 1) AltaGas Utilities Inc. shall pay intervener costs to the Consumers' Coalition of Alberta in the amount of \$8,273.48.
- 2) AltaGas Utilities Inc. shall record in its Deferred Regulatory Costs (Hearing) account approved intervener costs in the amount of \$8,273.48.

Dated on February 13, 2019.

Alberta Utilities Commission

(original signed by)

Henry van Egteren
Commission Member