

THE PROVINCE OF ALBERTA

PUBLIC UTILITIES BOARD ACT

ALBERTA ENERGY AND UTILITIES BOARD

IN THE MATTER of ATCO Gas and Pipelines South Ltd.
2001/2002 General Rate Application
Phases I and II

UTILITY COST ORDER 2002-70

Application Number: 2000365
Cost File Number: 8000-2000365 (01)
Board File Number: 1306-3

1. DECISION

Background

By letter dated December 14, 2000, ATCO Pipelines filed a 2001/2002 General Rate Application (GRA) for ATCO Pipelines South (APS), a division of ATCO Gas & Pipelines Ltd. (AGPL).

In correspondence dated April 2, 2001, APS requested that all affiliate, pension and post employment transactions arising in the context of the GRA be deferred and heard as part of the APS Affiliate Transactions and Pension proceedings scheduled to be heard in the fall of 2001. By letter dated May 17, 2001, the Board, in the absence of objections from interested parties, accepted APS's proposal for deferral of the affiliate, pension and post employment benefit transactions.

The public hearing for Phase I of the GRA was convened in Calgary on July 3, 2001 before Board members Dr. B. F. Bietz, Chair; Mr. G. J. Miller, Board Member; and Ms. C. Dahl Rees, Acting Member. The hearing was completed on July 18, 2001. Registered interveners and APS were required to file written argument and reply on August 10, 2001 and August 31, 2001 respectively.

The Board considers that the record for this proceeding and for the related proceeding ATCO Gas South 2001/2002 GRA, Phase I, closed on September 14, 2001, as the final filings of reply were received on that date. On December 12, 2001 the Board issued Decision 2001-97 in respect of the APS Phase I GRA, and on January 15, 2002 issued an Errata to Decision 2001-97.

Various participants submitted cost claims totaling \$1,237,980.77 including actual GST of \$56,663.46 with respect to the Proceeding.

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 5 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 participants, bearing in mind the principles specified in the Board's *Scale of Costs*. The Board finds that, with the exception of the fees outlined below, all parties claimed costs in accordance with the *Scale of Costs*.

The Board finds that, except as discussed below, the participation of the applicant and interveners was, for the most part, effective and of assistance in reviewing the Application.

Cost Submissions from Parties

The Board has reviewed a joint letter from APS and ATCO Gas South (AGS) dated November 23, 2001, a letter from the City of Calgary (Calgary) dated December 5, 2001, and a joint reply from APS and AGS dated August 8, 2002. In its first letter, APS argues that Calgary's cost claim in this proceeding should be materially reduced for various reasons. AGS argued that Calgary's intervention was excessively detailed, relied too heavily on external consultants and lawyers, was part of a pattern of excessive intervention by the city, cost too much relative to the costs incurred by other interveners, and made improper use of the Board's process. APS noted

that Calgary's costs claimed were almost three times as high as those claimed by APS, and two and a half times as high as the amount claimed by all other interveners combined, or seventeen and a half times as high as the average amount claimed by other interveners, even though two other interveners seated witness panels.

Calgary responded in its letter by arguing that its costs were reasonable and in the public interest. Calgary noted that it was reasonable for Calgary's cost claim to be greater than that of other interveners because Calgary had "taken the lead" in representing consumers at this proceeding. Calgary stated that it was the only intervener presenting evidence in the APS proceeding on matters such as the level of Operating and Maintenance ("O&M") and Administrative and General ("A&G") expenses, depreciation expense, income tax, and Class Cost of Service Study (COSS) and rate design. Calgary argued that it is reasonable for Calgary to hire outside counsel and consultants given that Calgary is not in the business of running a natural gas distribution company or a natural gas pipeline company. Calgary explained that the role of the intervener is to "evaluate, test, confirm or challenge the application which has been filed", and that interveners, as respondents, can only respond to the application as it is filed. Calgary noted several instances in which it alleged that APS's approaches to presentation of evidence had led to increased costs for Calgary. For example, Calgary noted that the initial COSS filed by APS used a vintage costing methodology, and that Calgary filed evidence responding to the APS filings. Then, in rebuttal evidence, APS shifted to a direct assignment and incremental costing methodology. Calgary argued that this shift to a new methodology caused significant delay at the commencement of the hearing when APS took the position that interested parties should not have the right to ask information requests or file evidence on this new methodology. Calgary argued that APS's revised COSS approach resulted in wasted effort and extra costs in the range of \$75,000.00 - \$100,000.00 to Calgary.

A letter from counsel for Calgary dated October 2, 2001 indicates that Calgary discussed the issues in this proceeding with other interveners both at the time of APS's initial filing and throughout the hearing. Also, Bryan and Company for the Municipal Intervenors (MI) noted in a letter dated April 2, 2002, that, in order to avoid duplication, the MI did not file additional evidence, or engage in detailed cross examination, in areas in which the City of Calgary filed evidence.

Because Calgary, in its letter dated December 5, 2001, argued that APS's approaches to presentation of evidence had led to increased costs, the Board asked APS to respond to Calgary's letter. APS replied in a letter dated August 8, 2002. Among other things, APS noted that it is not necessary for APS to identify all internal costs incurred in connection with a hearing in the context of the Board's cost review. APS argued that the purpose of the Board's cost review is not to determine the total cost of the hearing; it is to determine what portion of costs not previously assessed is to be recovered through the hearing costs reserve account. APS noted that APS's internal costs had already been scrutinized through the GRA process.

Board Findings

In broad terms, the Board finds that parties' participation was generally helpful in this proceeding, with the exceptions noted below.

City of Calgary

The Board agrees in part with the City of Calgary that the role of interveners is to evaluate and test, and, in certain circumstances, to confirm or challenge applications filed with the Board. The Board would add that parties in all proceedings have a role in assisting the Board in understanding and weighing the merits and deficiencies of applications before the Board. The Board also agrees in part with Calgary that on many issues interveners are unable to be proactive but must respond to the application as it is filed. However, the Board notes that its hearings are not intended to be adversarial in the same way that a civil trial is adversarial. The Board generally encourages cooperation between interveners and applicants on procedural matters where possible.

The Board agrees in part with Calgary that, except as described below, its use of outside counsel and expert consultants generally in this proceeding was acceptable. The Board agrees that Calgary is not in the business of running a natural gas pipeline or distribution company, and the Board does not expect Calgary to add full time staff to its payroll to deal with the specialized matters that arise in utility rate cases. The Board was pleased to note that in this proceeding the two counsel retained by Calgary appeared to be coordinating their efforts with respect to the proceeding to avoid duplication.

The Board also accepts Calgary's observation in its December 5, 2001 letter that Calgary represents a large number of residential and commercial consumers in Calgary, accounting for approximately 70% of the load and revenues of AGS, which, in turn accounts for almost 60% of the revenues of APS. The Board agrees that Calgary appears to have "taken the lead" for the interveners on many issues in this proceeding, and notes that this may explain to a certain degree why Calgary's cost claim is greater than the cost claims of all of the other interveners.

The Board finds that the experts hired by Calgary were generally helpful to the Board in testing the evidence presented by APS and improving the Board's understanding of the issues. However, the Board did have concerns with certain aspects of Calgary's intervention. For the reasons set out below, the Board does not consider it reasonable to pass on the entire amount of Calgary's cost claim to customers, and directs the reductions set out below.

Burnet, Duckworth & Palmer and Stephen Johnson

The Board notes that Patricia Quinton-Campbell of Burnet, Duckworth & Palmer (BDP) claimed for a total of 348.05 hours of work. 52.8 hours was for work done subsequent to August 1, 2001, and as such the rate of \$250.00 per hour is in excess of the Board's *Scale of Costs*. For Ms. Quinton-Campbell's years of experience the maximum hourly rate allowed is \$220.00. While the Board did review the justification provided with respect to Ms. Quinton-Campbell's claim in excess of the *Scale of Costs*, the Board does not consider that the scope or complexity of the

issues in this proceeding merit an award of costs to Ms. Quinton-Campbell above the *Scale of Costs*. Accordingly, the Board will reduce the fees claimed by Ms. Quinton-Campbell by \$1,584.00. The total costs approved for BDP, including disbursements, are set out below.

The Board notes that in cross examining an APS witness, Calgary sought to admit in evidence an Unaccounted For Gas Report which had been prepared by Union Gas (the Union UFG Report) for an earlier proceeding.

Counsel for Calgary indicated that Mr. Johnson, an expert witness for Calgary in the APS proceeding, had also been a witness at the 1999 proceeding in which the Union UFG Report was presented, although Mr. Johnson was not, at that proceeding, an expert dealing with unaccounted for gas. Counsel for Calgary indicated that Mr. Johnson had had the Union UFG Report in his “dead files” and had come across it the weekend before the APS proceeding began.¹ After hearing submissions by parties as to admissibility of the report, the Board ruled that the Union UFG Report was inadmissible.² The hearing time spent on this issue could have been considerably reduced if Calgary had filed the report before the hearing commenced, or, at the very latest, sought leave to file it at the start of the hearing, as suggested by the Board in its ruling. The Board stated in its ruling:

This hearing room is not a court room, nor is the hearing process a court process. The Board, in fact, discourages practice that can turn its proceedings into trial-like proceedings. The Board’s interest is in ensuring that we have the best technical data available to us to determine whether an application is reasonable and in the public interest.³

In the ATCO Gas South (AGS) 2001/2002 General Rate Application – Phase I (AGS GRA) which immediately preceded this proceeding, Calgary had filed new evidence in the form of charts or tables put to AGS witnesses in cross examination or in the form of unduly detailed opening statements for Calgary’s witnesses which it could have filed prior to the commencement of the hearing. While the Board ultimately allowed these materials to form part of the record, the Board did make two rulings on this issue in which it indicated its discomfort with the approach of filing new evidence through cross examination of another party’s witnesses or through opening statements.⁴ In the second ruling, the Board noted that it expected that any new material would be filed in advance of an oral hearing in accordance with the schedule set for filing evidence and that in future it would be more strict with attempts to file substantive new evidence in the course of a hearing after the deadlines for filing evidence had passed.⁵ The Board added:

The Board wishes to note that it intends to enforce this practice in all subsequent GRA hearings, including the Pipelines hearing that is coming up. Furthermore, parties ought to

¹ APS 2001-02 GRA Phases I and II (APS GRA) Transcript, pages 509-510.

² APS 2001-02 GRA Phases I and II (APS GRA) Transcript page 576.

³ APS GRA Transcript page 575.

⁴ AGS 2001-02 GRA Phase I (AGS GRA) Transcript pages 1446-1448 and 1603-1605.

⁵ AGS GRA Transcript, pages 1603-1605.

be aware that anyone abusing the Board’s process by seeking to file substantive new evidence after a deadline has passed may be penalized as to costs.⁶

Based on the foregoing, the Board considers that Calgary engaged in conduct that unnecessarily lengthened the duration of the proceeding and resulted in unnecessary costs by seeking to admit the Union UFG Report during the cross examination of the APS panel. These are factors the Board may consider in awarding costs based on section 55(2)(h) of the *Alberta Energy and Utilities Board Rules of Practice*. Furthermore, as Calgary had already been forewarned as to potential cost implications of seeking to admit new evidence through cross examination of panels, the Board considers it appropriate to disallow \$10,000.00 of Calgary’s costs to reflect the hearing time used in dealing with the issue raised by presentation of the Union UFG Report. This disallowance will be split equally between BDP, which coordinated Calgary’s intervention, and the firm of Stephen Johnson, which shares responsibility for the treatment of the Union UFG Report for reasons outlined above. Accordingly, the Board will disallow \$5,000.00 of BDP’s costs, and \$5,000.00 of the costs of the firm of Stephen Johnson.

The total amount of professional fees approved for BDP is in the amount of \$190,166.75 as outlined below.

| | |
|----------------------------------|----------------------------|
| Total professional fees claimed | \$196,750.75 |
| Less reduction to scale of costs | - \$ 1,584.00 |
| Less treatment of UFG Report | - \$ 5,000.00 |
| Total professional fees approved | <u>\$190,166.75</u> |

The Board has reviewed BDP’s claim for disbursements in the amount of \$18,632.44 and finds that they have been reasonably incurred and are within the *Scale of Costs* and therefore directs that they be approved in full.

The total amount awarded to BDP, including applicable GST, is \$215,063.58 as outlined in Schedule “A” attached.

The total amount of professional fees approved for Stephen Johnson is in the amount of \$71,100.00 as outlined below.

$$\$76,100.00 - \$5,000.00 = \$71,100.00$$

The Board has reviewed Stephen Johnson’s disbursements in the amount of \$46.70 and finds that they have been reasonably incurred and are with the *Scale of Costs*, the Board therefore approves disbursements for this party in full.

The total amount awarded to Stephen Johnson, including applicable GST, is \$73,281.24 as outlined in Schedule “A” attached.

⁶ AGS GRA Transcript, pages 1604-1605.

Berkowitz and Associates

M.K. Berkowitz and Associates Ltd. (Berkowitz and Associates) claimed for the work of two consultants. 340.25 hours were claimed at an hourly rate of \$275.00. 331.50 hours was for work done prior to August 1, 2001 and the maximum hourly rate allowed by the Board for work done prior to August 1, 2001 is \$225.00 per hour. 8.75 hours was for work done subsequent to August 1, 2001. The maximum allowable rate after August 1, 2001 based on the years of experience for these consultants is \$250.00 per hour. Although the Board reviewed the justification submitted by Calgary for the claims for Messrs. Booth and Berkowitz in excess of the *Scale of Costs*, the Board does not consider that the nature of the evidence given by Messrs. Booth and Berkowitz was significantly unique or complex to warrant a claim in excess of the *Scale of Costs*. Accordingly, the Board will only allow an hourly rate of \$250.00 for 8.75 hours as shown below.

The Board notes that the evidence filed by Berkowitz and Associates in this proceeding and in the AGS GRA immediately preceding this hearing was very similar, yet Berkowitz and Associates claimed almost as much preparation time for the APS 2001-2002 GRA as for the AGS GRA (295 hours and 287.25 hours respectively). Section 55(1)(b) of the Alberta Energy and Utilities Board *Rules of Practice* states that the Board may award costs if a participant, among other things, “contributed to a better understanding of the issues before the Board.” Given that the same Board panel had already received Berkowitz and Associates’ similar evidence in the AGS GRA, the Board considers that the duplicated evidence in the APS proceeding only contributed in a limited way to a better understanding of the issues before the Board. The Board considers that, given the similarity between the evidence in the two proceedings, half the preparation time, or 147.5 hours, ought to have been more than sufficient for the second proceeding. Accordingly, the Board will reduce Berkowitz and Associates’ claim for professional fees by reducing preparation time to 147.5 hours (half the preparation time claimed), as shown below. The Board will approve the hours claimed for Attendance and Argument and Reply at the rates dictated by the respective *Scale of Costs* as explained above. Given the above, the Board approves professional fees for Berkowitz and Associates in the amount of \$43,587.50 as outlined below.

147.5 hrs. (Prep) + 17.50 hrs. (Attendance) + 27.75 hrs. (Arg./Reply) = 192.75 hrs.

184 hrs x \$225.00 = \$41,400.00

8.75 hrs x \$250.00 = \$2,187.50

\$41,400.00 + \$2,197.50 = \$43,587.50

The Board has reviewed the claim for disbursements in the amount of \$5,539.40 and finds that they have been reasonably incurred and are within the Board’s *Scale of Costs* and therefore directs that they be approved in full. The total amount awarded Berkowitz and Associates, including applicable GST, is \$50,600.81. All costs awarded to this party are outlined in Schedule “A” attached.

In Decision 2001-97 the Board noted that the nature of the evidence of all of the expert witnesses on return on equity was of little probative value to the Board,⁷ and that the range of basis points proposed by all the experts on this issue were “outside what the Board would consider to be

⁷ Page 37

reasonable.”⁸ While the Board will not further reduce Berkowitz and Associates’ fees in this proceeding on this basis, the Board may find it appropriate to do so in cost orders for future proceedings if return on equity experts continue to present evidence and proposals that are of little assistance to the Board.

Total Amount approved for Calgary

The total amount of professional fees, disbursements, and applicable GST awarded to Calgary is \$475,676.86 as outlined in Schedule “A” attached.

ATCO Pipelines South

The Board notes that APS first filed a COSS using a methodology that was a substantial change from previously approved methodologies (vintage costing). Then, in response to evidence filed by interveners, APS filed a new cost of service study using a new theory and costing technique (direct assignment of costs). This led to detailed procedural discussions before the Board at the beginning of the oral hearing as to how to allow Calgary to test the new COSS and methodology, and to meetings being held at APS’s offices to enable Calgary, with a Board observer present, to review data making up the new COSS.

The Board recognizes that APS may not have been able to develop the new COSS until after receiving the feedback from interveners with respect to the vintage COSS. However, the Board considers that APS, by not initially filing a COSS that was in accordance with an approved methodology, caused interveners to waste time, and therefore money, reviewing the original COSS that was ultimately replaced with the second COSS, based on a different costing rationale. The Board notes that the second COSS was filed by APS on June 15, 2001, but that, as this was during the AGS Proceeding, Calgary did not challenge the new COSS until the start of the APS hearing on July 3, 2001. Thus, the Board does not consider it appropriate to penalize APS for the tight time lines interveners faced in reviewing the new COSS or for the amount of \$75,000.00 - \$100,000.00 which Calgary claims represents the effort and costs they spent as a result of the revised COSS approach. However, the Board does consider that \$10,000.00 of the costs claimed by Calgary should be paid by APS shareholders to represent the time spent by Calgary, as the intervener taking the lead on this issue, in reviewing the original COSS which was later superseded by the new COSS. Accordingly, the Board directs that \$10,000.00 be deducted from the amount APS can record in its Hearing Cost Reserve Account.

Foster Associates Inc.

The Board notes that the evidence filed by Foster Associates Inc. in this proceeding, and in the AGS GRA immediately preceding this hearing was very similar, yet Foster Associates Inc. claimed almost as much preparation time for the APS 2001-2002 GRA as for the AGS GRA (468.50 hours and 446 hours respectively). Section 55(1)(b) of the Alberta Energy and Utilities Board *Rules of Practice* states that the Board may award costs if a participant, among other things, “contributed to a better understanding of the issues before the Board.” Given that the same Board panel had already received Foster Associates Inc.’s similar evidence in the AGS

⁸ Page 37

GRA, the Board considers that the duplicated evidence in the APS proceeding only contributed in a limited way to a better understanding of the issues before the Board. Therefore, the Board considers that, given the similarity between the evidence in the two proceedings, half the preparation time claimed by each consultant of Foster Associates Inc. ought to have been more than sufficient for the second proceeding. Therefore the Board directs that each consultant's preparation time be reduced by one half as follows:

Kathleen McShane – 163 hours reduced to 81.5 hours (81.5 hrs. x \$225.00 = \$18,337.50)
 Ivan Alenier – 170 hours reduced to 85 hours (85 hrs. x \$140.00 = \$11,900.00)
 Karen Morgan – 100 hours reduced to 50 hours (50 hrs. x \$190.00 = \$9,500.00)
 Penny Gibbs – 35.5 hours reduced to 17.75 hours (17.75 hrs. x \$31.49 = \$558.95)

The Board notes that APS's expert witness for return on equity, Kathleen McShane, submitted a detailed analysis of 17 companies based on the comparable earnings test even though she herself expressed the view that the results of the comparable earnings test were of limited reliability. In Decision 2000-9, the Board stated that for various reasons the Board gave "little weight to the comparable earnings test" for the purpose of determining an appropriate rate of return.⁹ Ms. McShane was also a witness in that proceeding. The Board considers that Kathleen McShane's fees for Preparation should be reduced given that time was spent on an analysis based on a test generally recognized to be of limited reliability. Accordingly, the Board directs that Ms. Kathleen McShane's fees for preparation be further reduced by 30 hours.

81.5 hrs. – 30 hrs = 51.5 hrs
 51.5 hrs. x \$225.00 = \$11,587.50

In Decision 2001-97 the Board noted that the nature of the evidence of all of the expert witnesses on return on equity was of little probative value to the Board,¹⁰ and that the range of basis points proposed by all the experts on this issue were "outside what the Board would consider to be reasonable."¹¹ While the Board will not further reduce Foster Associates' fees in this proceeding on this basis, the Board may find it appropriate to do so in cost orders for future proceedings if return on equity experts continue to present evidence and proposals that are of little or no assistance to the Board.

Based on the foregoing, the total amount of professional fees awarded to Foster Associates Inc. is \$42,146.45. The Board has reviewed the disbursements of \$5,476.03 and finds that they have been reasonably incurred and are within the *Scale of Costs* and are therefore approved in full. The total amount awarded to Foster Associates Inc. is \$47,622.48 as shown on Schedule "A" attached.

⁹ CWNG Company Limited 1997 Return on Common Equity and Capital Structure and 1998 GRA – Phase I
 CWNG Phase I decision at page 64

¹⁰ Page 37

¹¹ Page 37

Total Amount of costs for APS

The total amount of professional fees awarded to APS is \$180,080.20 and the total amount of disbursements awarded is \$45,154.32 for a total cost award of \$225,234.52

PanCanadian Energy (PanCanadian)

The Board notes that Mr. D.G. Davies of the law firm MacLeod Dixon claimed a total of 41.4 hours at the hourly rate of \$250.00 (\$10,350.00). The Board has reviewed the Statements of Account provided by Mr. Davies and notes that 10.7 of these hours was for work done prior to August 1, 2001. For these hours, the Board will allow \$225.00 per hour, which was the maximum allowable hourly rate for legal counsel under the *Scale of Costs* which was in effect prior to August 1, 2001. The Board directs that Mr. Davies' fees be reduced from \$10,350.00 to \$10,082.50 in accordance with the Board's *Scale of Costs*.

The Board has reviewed the disbursements claimed by this party and finds that they have been reasonably incurred and are within the Board's *Scale of Costs* and directs that they be approved in full, \$696.45. The total amount awarded to PanCanadian is \$10,778.95 as outlined in Schedule "A" attached.

Conclusions

The Board has reviewed the costs submitted by the remaining participants, bearing in mind the principles specified in the Board's *Scale of Costs*. The Board finds that, except as noted above, the participation of the parties was, for the most part, effective and of assistance in reviewing the Application. The Board notes the scope and complexity of the issues before it and the extent of the examination thereof. The Board also notes that the claims for professional fees and other claims, except as noted above, were in accordance with the *Scale of Costs*. Accordingly, except as noted above, the Board considers the claims for fees and disbursements for all participants to be reasonable.

In accordance with the Board's treatment of the GST on cost awards, APS is required to pay only that portion of the GST paid by interveners that may not be recoverable through the GST credit mechanism. Eligible GST approved by the Board amounts to \$21,073.39 as shown in column (d) of Schedule "A". The GST allowed by the Board may also be charged against APS's Hearing Cost Reserve Account.

The Board emphasizes that its treatment of the GST claimed in no way relieves participants 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) ATCO Pipelines (South), a Division of ATCO Gas & Pipelines Ltd. shall pay intervener costs in the amount of \$868,276.98, as set out in column (e) of Schedule "A".
- 2) For ATCO Pipelines (South), a Division of ATCO Gas & Pipelines Ltd., external costs in the amount of \$225,234.52, as set out in column (e) of Schedule "A", are approved.
- 3) ATCO Pipelines (South), a Division of ATCO Gas & Pipelines Ltd. shall record in its Hearing Cost Reserve Account \$1,083,511.50, which is the allowed external applicant and intervener costs less \$10,000.00 as described above.

MADE at the City of Calgary, in the Province of Alberta, this 11 day of October, 2002.

ALBERTA ENERGY AND UTILITIES BOARD



Dr. B.F. Bietz
(Chair)

<Original Signed by G.J. Miller>

G.J. Miller
(Board Member)

<Original Signed by C. Dahl Rees>

C. Dahl Rees
(Acting Board Member)

**ATCO Pipelines South
Application No.: 2000365**

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 | | | | | |
| ATCO Pipelines South | | | | | |
| ATCO Pipelines South | \$33,427.01 | \$0.00 | \$33,427.01 | \$0.00 | \$33,427.01 |
| Bennett Jones, LLP | \$126,542.96 | \$125,783.75 | \$759.21 | \$0.00 | \$126,542.96 |
| Foster Associates, Inc. | \$94,668.93 | \$42,146.45 | \$5,476.03 | \$0.00 | \$47,622.48 |
| PA Consulting Group | \$5,504.36 | \$3,150.00 | \$2,354.36 | \$0.00 | \$5,504.36 |
| M.A. Wolnik, P.Eng. | \$12,137.71 | \$9,000.00 | \$3,137.71 | \$0.00 | \$12,137.71 |
| Sub-Total | \$272,280.97 | \$180,080.20 | \$45,154.32 | \$0.00 | \$225,234.52 |
| Interveners | | | | | |
| Alberta Irrigation Projects Association | | | | | |
| Unryn & Associates | \$26,621.20 | \$21,505.00 | \$5,116.20 | \$0.00 | \$26,621.20 |
| Sub-Total | \$26,621.20 | \$21,505.00 | \$5,116.20 | \$0.00 | \$26,621.20 |
| Public Institutional Consumers of Alberta (PICA) | | | | | |
| Nancy McKenzie - Legal Counsel | \$15,190.55 | \$13,900.00 | \$296.79 | \$0.00 | \$14,196.79 |
| Energy Management & Regulatory Consulting Ltd. | \$13,780.63 | \$9,440.00 | \$4,340.63 | \$0.00 | \$13,780.63 |
| Liddle Engineering | \$24,062.50 | \$24,062.50 | \$0.00 | \$0.00 | \$24,062.50 |
| Sub-Total | \$53,033.68 | \$47,402.50 | \$4,637.42 | \$0.00 | \$52,039.92 |
| PanCanadian Energy | | | | | |
| Macleod Dixon, LLP | \$11,819.70 | \$10,082.50 | \$696.45 | \$0.00 | \$10,778.95 |
| Sub-Total | \$11,819.70 | \$10,082.50 | \$696.45 | \$0.00 | \$10,778.95 |

ATCO Pipelines South
Application No.: 2000365

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) |
|--|-----------------------------|---------------------------|------------------------------------|--------------------------|---|
| Mirant Americas & Pan-Alberta Gas Ltd. | | | | | |
| Ellen S. Decter Professional Corp. | \$21,393.75 | \$21,393.75 | \$0.00 | \$0.00 | \$21,393.75 |
| Mirant Americas Energy Marketing | \$4,300.90 | \$0.00 | \$4,300.90 | \$0.00 | \$4,300.90 |
| Sub-Total | \$25,694.65 | \$21,393.75 | \$4,300.90 | \$0.00 | \$25,694.65 |
| Municipal Intervenors | | | | | |
| Bryan & Company | \$35,682.05 | \$26,820.00 | \$6,527.70 | \$1,000.50 | \$34,348.20 |
| Robert L. Bruggemen Regulatory Consulting Ltd. | \$30,810.61 | \$27,255.00 | \$1,569.05 | \$864.78 | \$29,688.83 |
| Sub-Total | \$66,492.66 | \$54,075.00 | \$8,096.75 | \$1,865.28 | \$64,037.03 |
| Aboriginal Communities | | | | | |
| Ackroyd, Piasta, Roth & Day | \$1,200.00 | \$1,200.00 | \$0.00 | \$0.00 | \$1,200.00 |
| Graves Engineering Corporation | \$6,075.00 | \$6,075.00 | \$0.00 | \$0.00 | \$6,075.00 |
| Sub-Total | \$7,275.00 | \$7,275.00 | \$0.00 | \$0.00 | \$7,275.00 |
| Industrial Gas Consumers Association of Alberta | | | | | |
| Fraser Milner Casgrain, LLP | \$49,247.31 | \$40,712.50 | \$5,313.02 | \$0.00 | \$46,025.52 |
| Sub-Total | \$49,247.31 | \$40,712.50 | \$5,313.02 | \$0.00 | \$46,025.52 |

**ATCO Pipelines South
Application No.: 2000365**

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) |
|---|---|---------------------------------------|--|--------------------------------------|---|
| Federation of Alberta Gas Co-ops Ltd. and Gas Alberta Inc. | | | | | |
| Campbell Ryder | \$67,017.46 | \$54,375.00 | \$8,258.14 | \$0.00 | \$62,633.14 |
| Brownlee Fryett | \$16,774.56 | \$9,835.00 | \$5,842.14 | \$0.00 | \$15,677.14 |
| Sub-Total | \$83,792.02 | \$64,210.00 | \$14,100.28 | \$0.00 | \$78,310.28 |
| The City of Calgary | | | | | |
| Burnet, Duckworth & Palmer | \$230,460.01 | \$190,166.75 | \$18,632.44 | \$6,264.39 | \$215,063.58 |
| Stephen Johnson | \$81,476.97 | \$71,100.00 | \$46.70 | \$2,134.54 | \$73,281.24 |
| Energy Group, Inc. | \$102,311.67 | \$91,316.77 | \$4,411.52 | \$2,872.04 | \$98,600.33 |
| M.K. Berkowitz & Associates | \$106,045.72 | \$43,587.50 | \$5,539.40 | \$1,473.91 | \$50,600.81 |
| Stephens Consultants Limited | \$16,632.97 | \$14,525.00 | \$1,019.83 | \$466.38 | \$16,011.21 |
| Gannett Fleming Valuation and Rate Cons. | \$22,978.67 | \$21,319.83 | \$155.56 | \$644.30 | \$22,119.69 |
| Sub-Total | \$559,906.01 | \$432,015.85 | \$29,805.45 | \$13,855.56 | \$475,676.86 |
| Consumers' Coalition of Alberta | | | | | |
| Wachowich & Company | \$29,110.57 | \$22,050.00 | \$5,156.14 | \$1,904.43 | \$29,110.57 |
| Professional Regulatory Services, Inc. | \$52,707.00 | \$47,160.00 | \$2,098.88 | \$3,448.12 | \$52,707.00 |
| Sub-Total | \$81,817.57 | \$69,210.00 | \$7,255.02 | \$5,352.55 | \$81,817.57 |
| Total Intervener Costs | \$965,699.80 | \$767,882.10 | \$79,321.49 | \$21,073.39 | \$868,276.98 |
| Total Costs | \$1,237,980.77 | \$947,962.30 | \$124,475.81 | \$21,073.39 | \$1,093,511.50 |