

THE PROVINCE OF ALBERTA

PUBLIC UTILITIES BOARD ACT

ALBERTA ENERGY AND UTILITIES BOARD

ATCO Gas South and ATCO Gas North
Divisions of ATCO Gas and Pipelines Ltd.
Gas Cost Recovery Rate Adjustments

UTILITY COST ORDER 2001 - 41a

Application Numbers: 2000367 and 2000368
Cost File Number: 2000367

WHEREAS the Alberta Energy and Utilities Board issued Cost Order 2001 - 41 (CO 2001-41) on November 30, 2001; and

WHEREAS the Aboriginal Communities submitted one cost claim which did not indicate that it reflected costs to be applied against both ATCO Gas North and ATCO Gas South and as such were reduced. The Board was advised, once CO 2001-41 was issued, that the costs were misinterpreted and should have been applied against ATCO Gas North and ATCO Gas South. As such the Board has approved the Aboriginal Communities' claim in full as reflected on the attached Amended Schedules "A" and "B"; and

WHEREAS EPCOR Energy Services (Alberta) Inc. (EPCOR) requested the Board to review and consider a late cost claim with respect to costs which were not captured in their original claim. The Board has reviewed the additional claim as well as the original claim and notes that in both instances the professional fees incurred by Mr. Hugh Williamson, Q.C., of Borden Ladner Gervais, are in excess of the hourly rate prescribed in the Board's *Scale of Costs* which was in effect prior to August 1, 2001 and subsequent to August 1, 2001. The Board notes that Jonathan Liteplo, of Borden Ladner Gervais, also claimed an hourly rate in excess of the Board's *Scale of Costs* with respect to the late cost claim. EPCOR did not provide the Board with justification concerning the increased rates and as such the Board does not find it reasonable to allow such rates. Accordingly, the Board reduces Mr. Williamson's hourly rates of \$300.00 and \$299.57 to \$225.00 for those hours incurred prior to August 1, 2001 and to \$250.00 for those hours incurred subsequent to August 1, 2001. Further, the Board reduces Mr. Liteplo's hourly rate of \$295.00 to \$220.00.

Upon review of the accounts provided, the Board has determined that Mr. Williamson incurred 124.4 hours prior to August 1, 2001 and as such the Board has approved legal fees in the amount of \$27,990.00. The Board has also determined that .7 hours were incurred subsequent to August 1, 2001 and as such the Board has further approved legal fees in the amount of \$175.00. The total amount of legal fees approved for Mr. Williamson is \$28,165.00.

Upon review of the accounts provided, the Board has determined that Mr. Liteplo has claimed 1 hour at \$295.00. Based on Mr. Liteplo's years of experience, the Board reduces this hourly rate to \$220.00 to conform to the *Scale of Costs*. The total amount of legal fees approved for Mr. Liteplo is \$220.00.

The Board notes that the additional fees being claimed for Mr. Gary Newcombe in the amount of \$1,875.00 are reasonable under the Board's *Scale of Costs*, previous and new, and directs that they be paid in full.

The Board has also reviewed the additional disbursements of \$7,597.95 being claimed by Borden Ladner Gervais, and finds that they have been incurred in accordance with Guide 31B and the *Scale of Costs*, accordingly the Board approves the additional disbursements for this party in full.

Taking all of the foregoing into account, the Board approves professional fees and disbursements for EPCOR in the amount of \$53,653.14, inclusive of the original cost claim. The Board has applied EPCOR's advice that the costs associated with this matter are to be applied equally to ATCO Gas North and South.

THEREFORE, the Alberta Energy and Utilities Board, hereby amends CO 2001 – 41 as to the following particulars:

1. The Aboriginal Communities are hereby included in Schedule "A" to Cost Order 2001-41 and are awarded costs in the amount of \$10,487.50 as listed in column (e) of the Amended Schedule "A";
2. The fees and disbursements awarded to the Aboriginal Communities as listed in column (e) of Schedule "B" are amended to read \$12,989.15, as shown in column (e) of the Amended Schedule "B" attached;
3. The fees and disbursements awarded to EPCOR Energy Services (Alberta) Inc. as listed in column (e) of Schedule "A" are amended to read \$26,826.57, as shown in column (e) of the Amended Schedule "A" attached;
4. The fees and disbursements awarded to EPCOR Energy Services (Alberta) Inc. as listed in column (e) of Schedule "B" are amended to read \$26,826.57, as shown in the Amended Schedule "B" attached;
5. Paragraphs A, C, D, and F on page three of Cost Order 2001-41 are amended to read as follows:
 - A. ATCO Gas South shall pay interveners' costs in the amount of \$261,718.98 as set out in column (e) of Schedule "A";
 - C. ATCO Gas South shall record in its hearing cost reserve account the allowed applicant and interveners' costs in the amount of \$286,081.57, as outlined in column (e) of Schedule "A";
 - D. ATCO Gas North shall pay interveners' costs in the amount of \$135,733.87 as set out in column (e) of Schedule "B";

- F. ATCO Gas North shall record in its hearing cost reserve account the allowed applicant and interveners' costs in the amount of \$160,096.46, as outlined in column (e) of Schedule "B".

MADE at the City of Calgary, in the Province of Alberta, this 8th day of October, 2003.

**ALBERTA ENERGY
AND UTILITIES BOARD**

Original signed by Thomas McGee

**Thomas McGee
Board Member**

ATCO Gas South Gas cost Recovery Rate Adjustment

Application No. 2000367

Summary of Total Costs Claimed and awarded

	Fees and Disbursements Claimed (excluding GST) (a)	Total GST Associated with Claimed Fees and Disbursements (b)	Total Fees, Disbursements and GST claimed (a + b) (c)	Eligible GST (d)	Fees and Disbursements Allowed Including Eligible GST (e)
Applicant					
ATCO Gas and Pipelines Ltd. (South)	\$24,362.59	\$0.00	\$24,362.59	\$0.00	\$24,362.59
Intervenors					
Aboriginal Communities	\$10,487.50	\$0.00	\$10,487.50	\$0.00	\$10,487.50
Alberta Irrigation Projects Association	\$15,715.64	\$0.00	\$15,715.64	\$0.00	\$15,715.64
Canadian Forest Products Ltd.	\$22,051.19	\$0.00	\$22,051.19	\$0.00	\$22,051.19
City of Calgary	\$158,092.90	\$11,066.51	\$169,159.41	\$0.00	\$158,092.90
Consumers Coalition of Alberta	\$9,385.55	\$656.89	\$10,042.44	\$656.89	\$10,042.44
EPCOR Energy Services (Alberta) Inc.	\$31,531.57	\$2,207.21	\$33,738.78	\$0.00	\$26,826.57
Municipal Intervenors	\$1,495.00	\$104.65	\$1,599.65	\$44.85	\$1,539.85
Public Institutional Consumers of Alberta	\$15,562.72	\$1,078.05	\$16,640.77	\$0.00	\$15,562.72
Top Grade Solutions	\$1,400.17	\$0.00	\$1,400.17	\$0.00	\$1,400.17
Total Intervenors' Costs	\$265,722.24	\$15,113.31	\$280,835.55	\$701.74	\$261,718.98
Total	\$290,084.83	\$15,113.31	\$305,198.14	\$701.74	\$286,081.57

ATCO Gas North Gas Cost Recovery Rate Adjustment

Application No. 2000368

Summary of Total Costs Claimed and awarded

	Fees and Disbursements Claimed (excluding GST) (a)	Total GST Associated with Claimed Fees and Disbursements (b)	Total Fees, Disbursements and GST claimed (a + b) (c)	Eligible GST (d)	Fees and Disbursements Allowed Including Eligible GST (e)
Applicant					
ATCO Gas and Pipelines	\$24,362.59	\$0.00	\$24,362.59	\$0.00	\$24,362.59
Interveners					
Aboriginal Communities	\$12,989.15	\$0.00	\$12,989.15	\$0.00	\$12,989.15
City of Edmonton	\$6,140.00	\$429.80	\$6,569.80	\$0.00	\$6,140.00
Consumers Coalition of Alberta	\$9,385.55	\$656.89	\$10,042.44	\$656.89	\$10,042.44
EPCOR Energy Services (Alberta) Inc.	\$31,531.57	\$2,207.21	\$33,738.78	\$0.00	\$26,826.57
Federation of Alberta Gas Co-ops	\$37,620.73	\$2,632.61	\$40,253.34	\$0.00	\$37,620.73
Municipal Interveners	\$24,419.46	\$1,709.36	\$26,128.82	\$732.63	\$25,152.09
Public Institutional Consumers of Alberta	\$15,562.72	\$1,078.05	\$16,640.77	\$0.00	\$15,562.72
Top Grade Solutions	\$1,400.17	\$0.00	\$1,400.17	\$0.00	\$1,400.17
Total Interveners' Costs	\$139,049.35	\$8,713.92	\$147,763.27	\$1,389.52	\$135,733.87
Total	\$163,411.94	\$8,713.92	\$172,125.86	\$1,389.52	\$160,096.46