



**AltaGas Ltd.  
ECNG Energy LP**

**Gas Utilities Act Code of Conduct Regulation, AR 183/2003  
Audit Exemption**

**Costs Award**

**November 20, 2013**

**The Alberta Utilities Commission**

Decision 2013-413: AtlaGas Ltd. and ECNG Energy LP

Gas Utilities Act Code of Conduct Regulation, AR 183/2003

Audit Exemption

Costs Award

Application Nos. 1609651

Proceeding ID No. 2645

November 20, 2013

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## Contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
<b>2</b>	<b>Views of the Commission.....</b>	<b>1</b>
<b>3</b>	<b>Commission findings.....</b>	<b>2</b>
	<b>3.1 Consumers' Coalition of Alberta .....</b>	<b>2</b>
<b>4</b>	<b>GST.....</b>	<b>2</b>
<b>5</b>	<b>Order .....</b>	<b>2</b>



## **1 Introduction**

1. On March 15, 2013, AltaGas Ltd. (AltaGas), on its own behalf and as administrator for ECNG Energy LP (ECNG), filed an application with the Alberta Utilities Commission (AUC or the Commission) requesting an exemption, pursuant to Section 41(1)(a) of the *Gas Utilities Act Code of Conduct Regulation*, AR 183/2003, for AltaGas and ECNG from conducting compliance audits for the 2012 audit year. This section enables a gas distributor or default supply provider or its affiliated retailer to apply to the Commission for an exemption from all or any provisions of the *Gas Utilities Act Code of Conduct Regulation*.

2. The Commission issued a notice of application on March 19, 2013, requesting that parties who wished to intervene in the proceeding submit a statement of intent to participate to the Commission by April 4, 2013. The Commission received a statement of intent to participate from the Consumers' Coalition of Alberta (Consumers' Coalition) requesting the opportunity to test the application with a process of written information requests before determining its position on the application.

3. The Consumers' Coalition filed its reply argument on May 8, 2013. The Commission considers the record for Proceeding ID No. 2499 to have closed on May 8, 2013.

4. On June 6, 2013, the Consumers' Coalition submitted a cost application in relation to Proceeding ID No. 2499.

5. On August 13, 2013, the Commission circulated a summary of costs being claimed to interested parties. Parties were advised that any comments regarding amounts listed in the summary, or the merits of the total costs claimed, were to be filed by August 28, 2013. No comments were received from parties in relation to the summary of costs.

6. The Commission considers the record of this costs proceeding to have closed on August 28, 2013.

## **2 Views of the Commission**

7. When assessing costs claims pursuant to Section 21 of the *Alberta Utilities Commission Act*, S.A. 2007 c. A-37.2, the Commission applies AUC [Rule 022: Rules on Intervener Costs in Utility Rate Proceedings](#) (Rule 022). Rule 022 also prescribes a *Scale of Costs* applicable to all costs claimed.

8. In exercising its discretion to award costs, the Commission will in accordance with Section 11 of Rule 022, consider whether an eligible participant's costs are reasonable and directly and necessarily related to the proceeding; and whether the eligible participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Commission. To the extent reasonably possible, the Commission will be mindful of a participant's willingness to co-operate with the Commission and other participants to promote an efficient and cost-effective proceeding.

9. As the costs of a utility proceeding are generally passed on to customers, it is the Commission's duty to ensure that the customers receive fair value for a party's contribution. The Commission only approves those costs that are reasonable and directly and necessarily related to the party's participation in the proceeding.

### **3 Commission findings**

#### **3.1 Consumers' Coalition of Alberta**

10. The Consumers' Coalition submitted a cost claim totalling \$2,777.25 for consulting services received from Regulatory Services Inc. The claim is comprised of consulting fees in the amount of \$2,645.00, for 11.50 hours of consulting services and GST of \$132.25. The consulting services are comprised of 7.50 hours for preparation, and 4.00 hours for argument and reply argument.

11. The Commission finds that the hours claimed for the provision of consulting services are reasonable given the tasks described in the costs claim and given the nature of the application. The consulting fees claimed are in accordance with the *Scale of Costs* set out in Rule 022. Accordingly, the Commission award the legal fees in the total amount claimed of \$2,777.25.

### **4 GST**

12. In accordance with the Commission's treatment of GST on costs awards, AltaGas Ltd. and ECNG Energy LP are required to pay only that portion of GST paid that may not be recoverable through the GST credit mechanism. Accordingly, the Commission approves the eligible GST in the amount of \$132.25.

13. The Commission emphasizes that its treatment of the GST claim in no way relieves participants or their consultants from their GST obligations pursuant to the *Excise Tax Act*, R.S.C. 1985, c. E-15.

### **5 Order**

14. It is hereby ordered that:

- (1) AltaGas Ltd. and ECNG Energy LP shall pay intervener costs to the Consumers' Coalition of Alberta in the amount of \$2,777.25.

Dated on November 20, 2013.

**The Alberta Utilities Commission**

*(Original signed by)*

Kay Holgate  
Commission Member