

**M A N I T O B A** ) **Order No. 33/11**  
)  
**THE PUBLIC UTILITIES BOARD ACT** ) **March 9, 2011**

BEFORE: Graham Lane, C.A., Chairman  
Len Evans, LLD, Member  
Monica Girouard, C.G.A., Member

**INTERVENER STATUS AND PROCESS:**  
**CENTRA GAS MANITOBA INC.**  
**2011/2012 COST OF GAS APPLICATION**

## **EXECUTIVE SUMMARY**

By this Order, the Public Utilities Board (Board):

- a) grants intervener status to BP Canada Energy Company (BP); Consumers' Association of Canada (Manitoba) Inc. and the Manitoba Society of Seniors (CAC/MSOS); Just Energy (Manitoba) L.P. (JEMPLP); and Koch Fertilizer Canada Ltd. (Koch); and
- b) establishes a timetable to consider Centra Gas Manitoba Inc.'s (Centra) Cost of Gas Application with respect to 2011/2012.

## **BACKGROUND**

In a public notice (published in daily and weekly newspapers between the dates of February 8 and February 14, 2011), the Board advised of Centra's Cost of Gas Application (COG) for 2011/12 and invited applications for Intervener status.

At the Pre-Hearing Conference (PHC) (held at the Board offices in Winnipeg, Manitoba on Friday, February 25, 2011), the Board heard applications for intervener status and submissions in favor of a written hearing process (with no oral hearing component), and, also, considered a timetable for the orderly exchange of evidence leading up to an Order by the Board.

## **APPLICATIONS FOR INTERVENER STATUS**

### **BP Canada Energy Company**

BP (represented by Mr. Glenn Boone) filed a written Intervener Application noting an intention to appear throughout the hearing, participate in the production of and testing of evidence, and provide final submissions (BP gave no intention as to it producing witnesses). BP does not intend to apply for costs.

Centra had no objection to BP being granted intervener status.

**Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors**

CAC/MSOS have long represented general consumers and seniors' issues at regulatory proceedings related to Centra and its parent company Manitoba Hydro. CAC/MSOS sought intervener status, expressing an interest in all issues pertaining to Centra's application.

CAC/MSOS indicated an intention to appear throughout the hearing, produce evidence, test evidence, and make final argument. CAC/MSOS also noted it was considering engaging a consultant with regard to various cost of gas matters.

CAC/MSOS indicated it would apply for costs, with its hearing budget to be filed following the Board's determination whether or not the hearing process will include an oral public hearing.

Centra had no objection to CAC/MSOS being granted intervener status, but reserved the right to review and comment on CAC/MSOS' proposed budget, when filed.

**Just Energy (Manitoba) L.P.**

While JEMLP was not in attendance at the PHC, a written Intervener Application was filed.

JEMLP noted an intention to appear throughout the hearing, as required, and provide final submissions (JEMLP indicated no intention of producing witnesses). JEMLP does not intend to apply for costs.

Centra had no objection to JEMLP being granted intervener status.

**Koch Fertilizer Canada Ltd.**

Koch filed a written Intervener Application advising that it does not intend to appear throughout the hearing nor call witnesses. Koch intends to monitor developments and has no intent to actively participate in the proceeding unless developments warrant its greater involvement. Koch Fertilizer does not intend to apply for costs.

Centra had no objection to Koch being granted intervener status.

**Green Action Centre/Time to Respect Earth's Ecosystems**

By way of an email to the Board, GAC/TREE indicated that it would not intervene in the current proceeding but would appreciate remaining on the distribution list to receive evidence and filings related to current and future Centra related proceedings.

**Board Finding – Intervener Status**

The Board will grant intervener status to: BP Canada Energy Company (BP); Consumers' Association of Canada (Manitoba) Inc. and the Manitoba Society of Seniors (CAC/MSOS); Just Energy (Manitoba) L.P. (JEMPLP); and Koch Fertilizer Canada Ltd (Koch).

The Board has discretion as to providing cost awards, that with respect to CAC/MSOS's intervention as it is the only intervener seeking a cost award. The granting of a cost award by the Board is dependent upon the Board's view of how such an award serves the public interest. Criteria used by the Board in its assessment of cost award applications are set out in the Board's Rules of Practice and Procedure, which may be found on the Board's website, [www.pub.gov.mb.ca](http://www.pub.gov.mb.ca). In addition to the criteria, the Board maintains a tariff with respect to the hourly rates charged by professionals and/or others assisting parties seeking cost awards; guidance is available from Board Staff.

**ORAL TESTIMONY vs. WRITTEN ONLY HEARING PROCESS**

Centra advocated for a paper-based process, with no oral testimony. Centra's rationale for there being no oral hearing component included the furthering of regulatory efficiency.

CAC/MSOS had no objection to the Board proceeding by way of a written process, only noting that in no way should such a practice be considered "a precedent or an abdication of the importance of these particular hearings". However, in the circumstances surrounding this particular proceeding, CAC/MSOS suggested that the timetable be adjusted to provide for a second round of Information Requests.

Other parties had no objections to proceeding in this manner.

**Board Finding – Oral Hearing**

The Board concludes that the public interest is best served by proceeding with a written process, and is confident that relevant issues can be successfully raised and canvassed by way of two rounds of Information Requests and written final submissions.

The Board notes that the Board has asked questions of Centra with respect to its non-gas costs, including its financial position, and asks that Centra share that correspondence with the interveners.

**PROPOSED TIMETABLE**

The timetable filed by Centra (on February 25, 2011) is acceptable to the Board and is hereby approved as appended as Schedule ‘A’.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board’s Rules of Practice and Procedure (Rules). The Board’s Rules may be viewed on the Board’s website at [www.pub.gov.mb.ca](http://www.pub.gov.mb.ca)

**IT IS THEREFORE ORDERED THAT:**

1. Intervener Status for participation in the hearing process respecting Centra's Cost of Gas Application BE AND IS HEREBY APPROVED FOR:
  - i. BP Canada Energy Company;
  - ii. Consumers' Association of Canada (Manitoba) Inc. and the Manitoba Society of Seniors;
  - iii. Just Energy (Manitoba) L.P.; and
  - iv. Koch Fertilizer Canada Ltd.

All Parties are to include Green Action Centre/Time to Respect Earth's Ecosystems, which is conducting a 'watching brief', on their distribution list to ensure it receives a copy of all filings in this hearing process.

2. The timetable for the orderly exchange of evidence is attached as Schedule "A" and will be posted on the Board's website.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE, C.A."

Chairman

"H. M. SINGH"

Secretary

Certified a true copy of Order No. 33/11 issued by  
The Public Utilities Board

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Secretary

**SCHEDULE “A”**

**Centra Gas Manitoba Inc.**

<b>ITEM</b>	<b>DUE</b>
File Application and Draft Public Notice	Friday, January 21, 2011
PUB Approval of Notice	Friday, January 28, 2011
Publish Notice in Daily/Weekly Newspaper	February 12-18, 2011
Interested Parties to Register for Intervener Status	Tuesday, February 22, 2011
Pre-Hearing Conference	Friday, February 25, 2011
Receipt of Information Requests Round 1	Monday, March 7, 2011
File Responses to Information Requests Round 1	Thursday, March 17, 2011
Receipt of Information Requests Round 2	Thursday, March 24, 2011
File Responses to Information Requests Round 2	Thursday, March 31, 2011
Intervener Final Submission	Friday, April 8, 2011
Centra Final Reply Submission	Friday, April 15, 2011