



ATCO Electric Ltd. Transmission

Decision on Preliminary Question

Application for Review of Decision 22393-D02-2019

Hanna Region Transmission Development Deferral Account

Costs Award

December 17, 2019

Alberta Utilities Commission

Decision 24981-D01-2019

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Contents

1	Introduction	1
2	Commission findings.....	2
2.1	Consumers' Coalition of Alberta	2
2.1.1	Wachowich & Company LLP	2
2.1.2	Bema Enterprises Ltd.....	2
2.1.3	Total awarded to the CCA	3
3	Order	3

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Calgary, Alberta

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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 24754¹ (the review proceeding). 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 LLP	\$1,977.50	\$0.00	\$98.88	\$2,076.38	\$1,977.50	\$0.00	\$98.88	\$2,076.38
Bema Enterprises Ltd.	\$7,072.90	\$0.00	\$353.65	\$7,426.55	\$7,072.90	\$0.00	\$353.65	\$7,426.55
Total	\$9,050.40	\$0.00	\$452.53	\$9,502.93	\$9,050.40	\$0.00	\$452.53	\$9,502.93

2. The Commission has decided to approve the costs, as claimed, for the reasons provided below.

3. The review proceeding was convened by the Commission to consider whether to grant an application filed by ATCO Electric Ltd. Transmission requesting a review and variance of specific findings in Decision 22393-D02-2019: ATCO Electric Ltd. Hanna Region Transmission Development (HRTD) Deferral Account² with regard to the Commission's determination to reduce legal costs related to the HRTD program. The review proceeding included submissions by the CCA and reply submission by ATCO Electric. The close of record for the review proceeding was September 10, 2019, the date reply submissions were received.

4. The CCA submitted its costs claim application on October 10, 2019, within the timelines permitted by the Commission's rules. The Commission assigned Proceeding 24981 and Application 24981-A001 to the costs claim application. No comments were filed with respect to the costs claim application and the Commission considers the close of record for this proceeding to be October 22, 2019, the deadline for filing comments.³

¹ Proceeding 24754: ATCO Electric Ltd. Transmission Decision on Preliminary Question Application for Review of Decision 22393-D02-2019 Hanna Region Transmission Development Deferral Account.

² Decision 22393-D02-2019: ATCO Electric Ltd. Hanna Region Transmission Development (HRTD) Deferral Account, Proceeding 22393, June 12, 2019.

³ Proceeding 24981: Filing announcement, October 15, 2019.

2 Commission findings

5. The Commission's authority to award costs for participation in a proceeding to consider an application to review a decision on a utility rates matter is found in Section 21 of the *Alberta Utilities Commission Act*. The Commission has applied the provisions of Section 5 and Section 11 of Rule 022: *Rules on Costs in Utility Rate Proceedings*. Section 11 allows the Commission to consider, among other things, whether costs claims are reasonable and directly and necessarily related to the review 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

6. The following table summarizes the CCA's costs claim.

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
CCA							
Wachowich & Company LLP	3.40	0.00	2.25	\$1,977.50	\$0.00	\$98.88	\$2,076.38
Bema Enterprises Ltd.	41.97	0.00	0.00	\$7,072.90	\$0.00	\$353.65	\$7,426.55
Total	45.37	0.00	0.00	\$9,050.40	\$0.00	\$452.53	\$9,502.93

7. The Commission finds that the CCA acted responsibly in the review proceeding and contributed to a better understanding of the relevant issues in the proceeding.

2.1.1 Wachowich & Company LLP

8. The CCA was represented by Wachowich & Company in the review proceeding. The fees claimed by the CCA for the legal services provided by James Wachowich Q.C. relate to reviewing the application, the CCA's draft submissions and ATCO Electric's reply submissions.

9. The Commission finds that the services performed by Wachowich & Company were directly and necessarily related to the CCA's participation in the review 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 & Company in the amount of \$1,977.50 and GST of \$98.88 for a total of \$2,076.38.

2.1.2 Bema Enterprises Ltd.

10. Bema was retained by the CCA to perform consulting services in the review proceeding. The fees claimed by the CCA for consulting services provided by Dan Levson, Dustin Madsen, Angela Chau and Christine Nash relate to reviewing the application, preparing and reviewing the draft submissions and reviewing ATCO Electric's reply submissions.

11. The Commission finds that the services performed by Bema were directly and necessarily related to the CCA's participation in the review 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 consulting fees for Bema in the amount of \$7,072.90 and GST of \$353.65 for a total of \$7,426.55.

2.1.3 Total awarded to the CCA

12. For the reasons provided above, the Commission approves the CCA's claim for recovery of costs in the total amount of \$9,502.93. This amount is composed of legal fees of \$1,977.50, consulting fees of \$7,072.90 and GST of \$452.53.

3 Order

13. It is hereby ordered that:

- 1) ATCO Electric Ltd. (transmission) shall pay intervener costs to the Consumers' Coalition of Alberta the total amount of \$9,502.93.
- 2) ATCO Electric Ltd. (transmission) shall record in its Hearing Costs Reserve account approved intervener costs in the total amount of \$9,502.93.

Dated on December 17, 2019.

Alberta Utilities Commission

(original signed by)

Carolyn Hutniak
Commission Member