



ATCO Electric Ltd.  
Transmission Line 7L65 Rebuild Project

Costs Award

August 27, 2020

**Alberta Utilities Commission**

Decision 25494-D01-2020

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Proceeding 25494

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**Alberta Utilities Commission**  
**Calgary, Alberta**

**ATCO Electric Ltd.**  
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**Costs Award**

**Decision 25494-D01-2020**  
**Proceeding 25494**

**1 Introduction**

1. In this decision, the Alberta Utilities Commission considers joint applications by the TWP510 ZL65 Landowner Group and Lakeland Rural Electrification Association (TZLG and Lakeland REA) and by the Braes REA Ltd. and Claysmore REA (Braes and Claysmore REAs) for approval and payment of their costs of participation in Proceeding 24102<sup>1</sup> (the original proceeding).

2. 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
TZLG and Lakeland REA								
Ackroyd LLP	\$124,497.00	\$3,903.83 <sup>2</sup>	\$6,410.19	\$134,811.02	\$118,272.15	\$3,903.83	\$6,098.95	\$128,274.93
Dr. Paul Heroux	\$4,320.00	\$0.00	\$0.00	\$4,320.00	\$2,160.00	\$0.00	\$0.00	\$2,160.00
Cottonwood Consultants Ltd.	\$19,541.25	\$953.33	\$1,024.11	\$21,518.69	\$19,541.25	\$953.33	\$1,024.11	\$21,518.69
Prairieland Ventures Ltd./ Jim Ness	\$1,800.00	\$393.22	\$90.00	\$2,283.22	\$1,020.00	\$393.22	\$51.00	\$1,464.22
Lakeland REA Intervener honoraria and disbursements	\$700.00	\$127.84	\$6.40	\$834.24	\$0.00	\$127.84	\$6.40	\$134.24
TZLG Intervener honoraria and disbursements	\$3,250.00	\$556.56	\$27.83	\$3,834.39	\$3,250.00	\$556.56	\$27.83	\$3,834.39
Total	\$154,108.25	\$5,934.78	\$7,558.53	\$167,601.56	\$144,243.40	\$5,934.78	\$7,208.29	\$157,386.47
Braes and Claysmore REAs								
Main Street Law LLP	\$22,234.00	\$931.95	\$1,158.30	\$24,324.25	\$22,234.00	\$931.95	\$1,158.30	\$24,324.25
Intervener honorarium	\$200.00	\$0.00	\$0.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$22,434.00	\$931.95	\$1,158.30	\$24,524.25	\$22,234.00	\$931.95	\$1,158.30	\$24,324.25
Total claimed by parties				\$192,125.81	Total awarded to parties			\$181,710.72

3. The Commission has awarded reduced costs to the applicants for the reasons set out below.

<sup>1</sup> Proceeding 24102: ATCO Electric Ltd. Transmission Line 7L65 Rebuild Project.

<sup>2</sup> Disbursement for Amicus Reporting Group for transcripts in the amount of \$2,197.45 added to Ackroyd disbursements of \$1,706.38 claimed on Form U1, Exhibit 25494-X0002, PDF page 13.

4. The original proceeding was convened by the Commission to consider whether to approve applications from ATCO Electric Ltd. (transmission) to construct a new single-circuit 144-kilovolt transmission line, designated as transmission lines 7L134 and 7L65, and to salvage the existing Transmission Line 7L65, located in the Vegreville and Vermilion areas. The proceeding consisted of evidence, rebuttal evidence, information requests (IRs) and responses to IRs and an oral hearing held February 4, to February 6, 2020, in Vegreville, followed by written argument and reply argument submissions. The close of record for the original proceeding was March 10, 2020, and the Commission issued Decision 24102-D01-2020,<sup>3</sup> on April 23, 2020.

5. The TZLG and Lakeland REA submitted their costs claim application on April 3, 2020, and the Braes and Claysmore REAs submitted their costs claim application on April 9, 2020. The applications were filed within the 30-day timeline permitted by the Commission's rules. The Commission assigned Proceeding 25494 and applications 25494-A001 and 25494-A002 to the respective costs claim applications.

6. On April 17, 2020, ATCO filed comments on the costs claim applications. On April 21, 2020, the Braes and Claysmore REAs filed their reply comments, which consisted of providing statements of account for Main Street Law LLP,<sup>4</sup> which were inadvertently omitted from the costs claim application.<sup>5</sup> On April 22, 2020, TZLG and Lakeland REA filed their reply comments.

7. On July 2, 2020, the Commission issued IRs to the applicants and on July 9, 2020, it granted an extension to the IR response filing deadline. Responses to IRs were filed on July 16, 2020 and July 17, 2020, meeting the revised deadline, and the Commission considers the close of record for this proceeding to be July 17, 2020.

## **2 Commission's authority to award costs and intervener eligibility**

8. Only "local interveners" are eligible to claim costs in facility related applications. The Commission's authority to award costs for the participation of a local intervener in a hearing or other proceeding on an application to construct or operate a hydro development, power plant or transmission line under the *Hydro and Electric Energy Act* or a gas utility pipeline under the *Gas Utilities Act* is found in sections 21 and 22 of the *Alberta Utilities Commission Act*. When considering a claim for costs for a facilities proceeding, the Commission is also guided by the factors set out in Section 7 of Rule 009 and the Scale of Costs found in Appendix A of Rule 009.

9. Section 7 of Rule 009 provides that the Commission may award costs, in accordance with the Scale of Costs, to a "local intervener" if the Commission is of the opinion that:

**7.1.1** the costs are reasonable and directly and necessarily related to the hearing or other proceeding, and

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<sup>3</sup> Decision 24102-D01-2020: ATCO Electric Ltd. Transmission Line 7L65 Rebuild Project, Proceeding 24102, April 23, 2020.

<sup>4</sup> Exhibit 25494-X0014, Redacted invoices for Braes and Claysmore REAs Rule 009, April 21, 2020.

<sup>5</sup> Exhibit 25494-X0013, Cover Letter Request, April 21, 2020.

**7.1.2** the local intervener acted responsibly in the hearing or other proceeding and contributed to a better understanding of the issues before the Commission.

10. Section 22 of the *Alberta Utilities Commission Act* defines what a “local intervener” is and states:

22(1) For purposes of this section, “local intervener” means a person or group or association of persons who, in the opinion of the Commission,

(a) has an interest in, and

(b) is in actual occupation of or is entitled to occupy

land that is or may be directly and adversely affected by a decision or order of the Commission in or as a result of a hearing or other proceeding of the Commission on an application to construct or operate a hydro development, power plant or transmission line under the *Hydro and Electric Energy Act* or a gas utility pipeline under the *Gas Utilities Act*, but unless otherwise authorized by the Commission does not include a person or group or association of persons whose business interest may include a hydro development, power plant or transmission line or a gas utility pipeline.

11. The Commission granted standing to a number of individuals living in close proximity to the proposed project.<sup>6</sup> These individuals formed the TWP510 ZL65 Landowner Group (TZLG). The Commission also granted standing to the Lakeland Rural Electrification Association (Lakeland REA),<sup>7</sup> the Braes REA Ltd. (Braes REA)<sup>8</sup> and the Claysmore REA.<sup>9</sup> TZLG, Lakeland REA, Braes REA and Claysmore REA were all found to have demonstrated land-based rights that may be directly and adversely affected by the facilities applications in the original proceeding. The Commission has therefore applied Rule 009 to the costs applications filed by TZLG, Lakeland REA, Braes REA and Claysmore REA.

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<sup>6</sup> Exhibit 24102-X0070, AUC ruling on standing and request for further information, March 19, 2019.

<sup>7</sup> Exhibit 24102-X0070.

<sup>8</sup> Exhibit 24102-X0070.

<sup>9</sup> Exhibit 24102-X0099, AUC ruling on standing and clarification of Brian Overley’s participation, May 10, 2019. Additional individuals were also granted standing in the original proceeding (see Exhibit 24102-X0099 and Exhibit 24102-X0127), but did not file for reimbursement of costs.

### 3 TZLG and Lakeland REA

12. The following table summarizes TZLG and Lakeland REA's costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
<b>TZLG and Lakeland REA</b>							
Ackroyd LLP	323.70	54.40	98.80	\$124,497.00	\$3,903.83	\$6,410.19	\$134,811.02
Dr. Paul Heroux	0.00	16.00	0.00	\$4,320.00	\$0.00	\$0.00	\$4,320.00
Cottonwood Consultants Ltd.	54.50	22.75	0.00	\$19,541.25	\$953.33	\$1,024.11	\$21,518.69
Prairieland Ventures Ltd./ Jim Ness	4.00	13.00	0.00	\$1,800.00	\$393.22	\$90.00	\$2,283.22
Lakeland REA Intervener honoraria and disbursements	0.00	0.00	0.00	\$700.00	\$127.84	\$6.40	\$834.24
TZLG Intervener honoraria and disbursements	0.00	0.00	0.00	\$3,250.00	\$556.56	\$27.83	\$3,834.39
<b>Total</b>	<b>382.20</b>	<b>106.15</b>	<b>98.80</b>	<b>\$154,108.25</b>	<b>\$5,934.78</b>	<b>\$7,558.53</b>	<b>\$167,601.56</b>

#### 3.1 Comments from ATCO

13. In its comments on the TZLG and Lakeland REA's cost claim, ATCO noted concerns that several lawyers involved in representing the interests of the TZLG and Lakeland REA may have resulted in duplication of efforts, pointing out instances where both Richard Secord and Ifeoma Okoye billed time reviewing the same correspondence from the AUC, consultants and their clients. ATCO also noted that Glenn Epp's involvement in the proceeding was unclear, despite recording and billing for 25 hours of work.

14. ATCO additionally provided comments on both Paul Heroux and Jim Ness. With respect to Dr. Heroux, ATCO stated its position that no costs should be awarded on the basis that Dr. Heroux's pre-filed evidence was incomplete, provided no benefit to the proceeding, and that Dr. Heroux continually attempted to refer to material that was not included in his pre-filed evidence, resulting in multiple objections during the hearing. With respect to Mr. Ness, ATCO stated its position that no costs should be awarded on the basis that Mr. Ness characterized himself as an advocate for TZLG, and therefore was not produced as an expert witness. ATCO also noted that Mr. Ness did not hold any relevant professional designation and did not identify any specific training or expertise that qualified him to provide expert opinion on the introduction or spread of soil borne diseases and noxious weeds. Lastly, ATCO noted in its comments that Mr. Ness' testimony was not consistent, was contradictory at times, and that he was unable to give clear recommendations regarding the appropriate cleaning practices when scenarios were presented.

#### 3.2 Reply from the TZLG and Lakeland REA

15. In their reply, TZLG and Lakeland REA noted that in order for Mr. Secord to provide ongoing advice and assistance in the proceeding, it was necessary for him to review the correspondence from the AUC, consultants and clients in order to stay current on how the proceedings was progressing, and therefore this did not result in a duplication of efforts. TZLG

and Lakeland REA also noted that Mr. Secord would have appeared as co-counsel at the hearing if not for the timing of Proceeding 24857.

16. In response to ATCO's concerns around Mr. Epp, TZLG and Lakeland REA noted that Mr. Epp was responsible for preparing the submissions of Lakeland REA, and that the details of this necessary work performed are clearly stated in Ackroyd LLP's statement of account.

17. With respect to ATCO's comments on Dr. Heroux, TZLG stated that in addition to filing evidence, Dr. Heroux assisted with the review of transcripts of the proceeding and cross examination questions of Dr. Bailey. TZLG further noted that the Commission had in previous proceedings permitted experts to comment on matters adduced in evidence from a witness' cross examination, and that seeking clarification from the Commission Panel on its second ruling did not result in inefficiencies, but rather assisted the process going forward. Lastly, TZLG suggested that a lack of questions from ATCO, the Commission Panel and Commission Counsel is not an indication of no benefit from Dr. Heroux's participation in the proceeding, but rather an indication that his evidence was understood by all concerned.

18. With respect to ATCO's comments on Mr. Ness, TZLG stated that as it had included a request in its written argument that ATCO comply with the Biosecurity Protocol (drafted by Mr. Ness) it was reasonable and necessary to retain Mr. Ness to explain the Biosecurity Protocol and provide a better understanding of TZLG's concerns over clubroot, proper cleaning methods, and contamination, and that Mr. Ness' experience has been clearly explained in written and reply argument. Lastly, TZLG noted that Mr. Ness was only claiming costs of his travel and attendance at the hearing to give oral testimony.

### **3.3 Commission findings**

19. The Commission notes that this costs claim includes costs incurred on behalf of Lakeland REA, a rural electrification association. The Commission observes that a claim for costs by an REA in relation to a facilities proceeding is a novel claim, and that the Commission has not previously made any determinations on cost recovery for an REA pursuant to Rule 009. However, the Commission considers that it has the authority under Section 21 of the *Alberta Utilities Commission Act* to determine costs for all parties participating in proceedings before it. In the circumstances of the original proceeding, and having regard to the nature and scope of the proposed project, the Commission is exercising its discretion in assessing this specific claim for costs by Lakeland REA, and awards costs as set out below.

20. The Commission finds that the TZLG and Lakeland REA generally acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. However, the Commission is unable to approve the full amount of the costs claimed in respect of the services performed by Ackroyd LLP, Dr. Paul Heroux and Prairieland Ventures Ltd./Jim Ness, or the honoraria claimed by Lakeland REA, for the reasons that follow.

#### **3.3.1 Ackroyd LLP**

21. The TZLG and Lakeland REA was represented by Ackroyd in the original proceeding. The fees claimed by the TZLG and Lakeland REA for the legal services provided by Ms. Okoye, Mr. Secord, Mr. Epp and Inez Agovic relate to reviewing the application, preparation of IRs to



ATCO, preparation of responses to AUC and ATCO IRs, attendance at the hearing, and written argument and reply argument.

22. While the Commission finds that the services performed by Ackroyd were generally directly and necessarily related to TZLG and Lakeland REA's participation in the original proceeding, it finds that the fees claimed for these services were excessive.

23. Ackroyd's costs claim application notes that of the three lawyers involved, Mr. Secord started with the file but was unable to continue due to scheduling conflicts, Ms. Okoye was the primary lawyer on the file and Mr. Epp prepared the submissions for Lakeland REA. The Commission observes that although Ms. Okoye appears to take over as the primary counsel in March of 2019, Mr. Secord continued to review emails and correspondence in the proceeding. Given that Ms. Okoye is a lawyer with 7 years of experience, the Commission finds that the continued involvement of Mr. Secord resulted in an unnecessary duplication of efforts and reduces the fees claimed by Ackroyd by 5 per cent.

24. In addition, the TZLG and Lakeland REA claimed disbursements for Ackroyd of \$2,197.45 for transcripts, \$861.24 for accommodations, \$85.18 for meals, \$197.06 for mileage, \$62.80 for photocopying, \$410.10 for external printing and \$90.00 for SPIN Title Search. The Commission finds the disbursements, which were claimed in accordance with the Scale of Costs, are reasonable and are approved. Accordingly, the Commission approves TZLG and Lakeland REA's claim for legal fees for Ackroyd in the amount of \$118,272.15, disbursements of \$3,903.83 and GST of \$6,098.95 for a total of \$128,274.93.

### **3.3.2 Dr. Paul Heroux**

25. Dr. Paul Heroux was retained by the TZLG and Lakeland REA to perform consulting services in the original proceeding. The fees claimed by the TZLG and Lakeland REA for the consulting services provided by Dr. Heroux relate to pre-hearing consultations, report writing and filing, and testifying and monitoring transcripts.

26. While the Commission finds that the services performed by Dr. Heroux were generally directly and necessarily related to TZLG and Lakeland REA's participation in the original proceeding, it finds that the fees claimed for 16 hours of these services are not commensurate with the contribution by Dr. Heroux to the Commission's understanding of the relevant issues and therefore reduces the fees claimed by 50 per cent. Accordingly, the Commission approves TZLG and Lakeland REA's claim for consulting fees for Dr. Heroux in the amount of \$2,160.00.

### **3.3.3 Cottonwood Consultants Ltd.**

27. Cottonwood Consultants was retained by the TZLG and Lakeland REA to perform consulting services in the original proceeding. The fees claimed by the TZLG and Lakeland REA for the consulting services provided by Cliff Wallis relate to preparing an expert report regarding environmental considerations of the proposed project, reviewing ATCO's reply evidence, assisting with the preparation of cross examination questions, reviewing transcripts and attending the hearing to provide oral testimony.

28. The Commission finds that the services performed by Cottonwood Consultants were directly and necessarily related to the TZLG and Lakeland REA's participation in the original

proceeding and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. In addition, the Commission finds the disbursements of \$408.00 for airfare, \$326.20 for accommodations, \$37.67 for parking, \$156.70 for car rental and \$24.76 for fuel for car rental, which were claimed in accordance with the Scale of Costs, are reasonable. Accordingly, the Commission approves the TZLG and Lakeland REA's claim for consulting fees for Cottonwood Consultants in the amount of \$19,541.25, disbursements of \$953.33 and GST of \$1,024.11 for a total of \$21,518.69.

### **3.3.4 Prairieland Ventures Ltd. / Jim Ness**

29. Prairieland Ventures was retained by the TZLG and Lakeland REA to perform consulting services in the original proceeding. The fees claimed by the TZLG and Lakeland REA for the consulting services provided by Mr. Ness relate to "author[ing] the TZLG's Biosecurity Protocol that the TZLG relied on in the proceeding,"<sup>10</sup> reviewing ATCO's reply evidence, reviewing transcripts, attending the oral hearing and providing oral testimony. The TZLG and Lakeland REA claimed 13 hours for Mr. Ness' attendance at the oral hearing and 4 hours (at half the hourly rate) for Mr. Ness' travel to the hearing.<sup>11</sup>

30. While the Commission finds that the services performed by Mr. Ness were generally directly and necessarily related to TZLG and Lakeland REA's participation in the original proceeding, it finds that the fees claimed for these services are not commensurate with the contribution by Mr. Ness to the Commission's understanding of the relevant issues. Therefore, the Commission reduces Mr. Ness' fees for hearing attendance by 50 per cent.<sup>12</sup> The Commission awards Mr. Ness' fees for travel to the hearing<sup>13</sup> and further finds that the disbursements of \$132.83 for accommodations and \$254.00 for mileage were claimed in accordance with the Scale of Costs and are reasonable. Accordingly, the Commission approves TZLG and Lakeland REA's claim for consulting fees for Mr. Ness in the amount of \$1,020.00, disbursements of \$393.22 and GST of \$51.00 for a total of \$1,464.22.

### **3.3.5 Lakeland REA intervener honoraria and disbursements**

31. The TZLG and Lakeland REA claimed attendance honoraria in the total amount of \$700.00 for four members of the Lakeland REA<sup>14</sup> (Darryl Westiuk \$300.00, Jamie Lowes \$200.00, Greg Farion \$100.00 and Bernie Klammer \$100.00),<sup>15</sup> at the rate of \$50.00 for each half day attendance at the oral hearing. As a general practice, the Commission does not award costs to a participant's salaried employees or internal experts. However, the Commission considers the claim for disbursements of \$127.84 for group meals to be claimed in accordance with the Scale of Costs, and to be reasonable. Consistent with the Commission's past practice, the claim for honoraria is denied, and the claim for disbursements of \$127.84 (and associated GST of \$6.40) is allowed.

<sup>10</sup> Exhibit 25494-X0002, paragraph 32.

<sup>11</sup> Exhibit 25494-X0002, PDF pages 18 and 65.

<sup>12</sup> 13 hours \* \$120.00 per hour \* 50% = \$780.00.

<sup>13</sup> 4 hours \* \$60 per hour = \$240.00.

<sup>14</sup> Exhibit 25494-X0002, paragraph 34.

<sup>15</sup> Form U3, Exhibit 25494-X0002, PDF page 13.

### **3.3.6 TZLG intervener honoraria and disbursements**

32. The TZLG and Lakeland REA claimed an honorarium of \$500.00 for each of Dustin Yaremccio and David Yaremccio for forming the TZLG. They also claimed attendance honoraria in the total amount of \$2,250.00 for nine members of the TZLG<sup>16</sup> (Cathi Hayduk \$300.00, Dustin Yaremccio \$300.00, Daryl Tuck \$250.00, Kendall Freed \$300.00, James McLaughlin \$300.00, Randy Gielbelhaus \$300.00, Jerri Hayduk \$300.00, Ken Makowecki \$100.00 and Braden Halina \$100.00),<sup>17</sup> at the rate of \$50.00 for each half day attendance at the oral hearing.

33. In the original proceeding, the Commission granted standing to persons who own or occupy lands within 800 metres of the project area. The TZLG had standing in the original proceeding by virtue of the fact that one or more members of the group had standing. The Commission considers that the TZLG falls within the definition of local intervener for the purposes of overall eligibility for costs; however, members of the group who would not qualify for standing in their individual capacity do not qualify for honoraria or intervener funding of personal expenses. The Commission notes that four of the cost claimants were not identified in the Commission's standing ruling in the original proceeding as they did not file statements of intent to participate. However, it is clear on the record of the original proceeding that these additional four claimants qualify for standing in their individual capacities, and the Commission finds that those persons qualify for funding of honoraria and personal expenses.

34. The Commission considers it clear from the record of the original proceeding that both Dustin Yaremccio and David Yaremccio played significant roles in the organization of TZLG and expended time, effort and expense as a result of their efforts. Accordingly, the Commission finds their claims for forming TZLG are within the Scale of Costs and are approved. With respect to the claimed attendance honoraria, the Commission notes that the Scale of Costs allows up to six participants to claim attendance honoraria unless exceptional circumstances are found. Based on the nature of TZLG's participation in the hearing and the value of information provided by the group, the Commission is exercising its discretion to award honoraria to the nine members of TZLG, as claimed. The Commission finds these claims, and the claims for disbursements of \$32.50 for meals<sup>18</sup> and of \$524.06<sup>19</sup> for meals and meeting room rentals, to be reasonable.

35. Accordingly, the Commission approves the TZLG and Lakeland REA's claim for honoraria for members of the TZLG in the total amount of \$3,250.00, disbursements of \$556.56 and GST of \$27.83 for a total of \$3,834.39.

### **3.3.7 Total awarded to the TZLG and Lakeland REA**

36. For the reasons provided above, the Commission approves the TZLG and Lakeland REA's claim for recovery of costs in the total amount of \$157,386.47. This amount is composed of legal fees of \$118,272.15, consulting fees of \$22,721.25, intervener honoraria of \$3,250.00, disbursements of \$5,934.78 and GST of \$7,208.29.

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<sup>16</sup> Exhibit 25494-X0002, paragraph 34.

<sup>17</sup> Form U3, Exhibit 25494-X0002, PDF page 13.

<sup>18</sup> Exhibit 25494-X0002, PDF page 13, Form U1, total of disbursements claimed for Cathi Hayduk.

<sup>19</sup> Exhibit 25494-X0002, PDF page 13, Form U1, total of disbursements claimed for Dustin Yaremccio.

## 4 Braes and Claysmore REAs

37. The following table summarizes the Braes and Claysmore REAs' costs claim:

Claimant	Hours			Fees	Disbursements	GST	Total
	Preparation	Attendance	Argument				
Braes and Claysmore REAs							
Main Street Law LLP	55.20	25.10	22.30	\$22,234.00	\$931.95	\$1,158.30	\$24,324.25
Intervener honorarium	0.00	0.00	0.00	\$200.00	\$0.00	\$0.00	\$200.00
Total	55.20	25.10	22.30	\$22,434.00	\$931.95	\$1,158.30	\$24,524.25

### 4.1 Comments from ATCO

38. In its comments on the Braes and Claysmore REAs' costs claim application, ATCO noted that Braes and Claysmore had failed to include statements of account for their claimed legal fees, which is a requirement of Rule 009. ATCO further stated that it cannot comment on the cost claims without this detail.

### 4.2 Reply from the Braes and Claysmore REAs

39. In response to ATCO's comments, Braes and Claysmore REAs filed additional correspondence on April 21, 2020, attaching the statements of account for claimed legal fees.

### 4.3 Commission findings

40. The Commission notes that this cost claim is submitted by two rural electrification associations. As noted previously, a claim for costs by an REA in a facilities proceeding is a novel claim, and the Commission has not previously made any determinations on cost recovery for an REA pursuant to Rule 009. However, as also noted previously, the Commission considers that it has the authority under Section 21 of the *Alberta Utilities Commission Act* to determine costs for all parties participating in proceedings before it. In the circumstances of the original proceeding, and having regard to the nature and scope of the proposed project, the Commission is exercising its discretion in assessing this specific claim for costs by Braes and Claysmore REAs, and awards costs as set out below.

41. The Commission finds that the Braes and Claysmore REAs acted responsibly in the original proceeding and contributed to the Commission's understanding of the relevant issues. However, the Commission is unable to approve the honorarium claimed by the Braes and Claysmore REAs for the reasons that follow.

#### 4.3.1 Main Street Law LLP

42. The Braes and Claysmore REAs were represented by Main Street Law in the original proceeding. The fees claimed by the Braes and Claysmore REAs for the legal services provided by Shauna Gibbons and by Rachelle Sorgiovanni, student-at-law, relate to reviewing the application, preparing IRs to ATCO, negotiating an agreement with ATCO, attendance at the hearing and preparing written argument and reply argument.

43. The Commission finds that the services performed by Main Street Law were directly and necessarily related to the Braes and Claysmore REAs' participation in the original proceeding, and that the fees, which were claimed in accordance with the Scale of Costs for those services, are reasonable. In addition, the Commission finds the disbursements of \$92.00 for mileage for Ms. Gibbons, \$211.60 for mileage for Ms. Sorgiovanni and \$628.35 for transcripts, which were claimed in accordance with the Scale of Costs, are reasonable. Accordingly, the Commission approves the Braes and Claysmore REAs' claim for legal fees for Main Street Law in the amount of \$22,234.00, disbursements of \$931.95 and GST of \$1,158.30 for a total of \$24,324.25.

#### **4.3.2 Intervener honorarium**

44. The Braes and Claysmore REAs claimed a \$200.00 attendance honorarium for Mr. Smith for 2 full days attendance at the oral hearing. As noted previously in this decision, the Commission does not award costs to a participant's salaried employees or internal experts. Accordingly, the Commission denies this claim.

#### **4.3.3 Total awarded to the Braes and Claysmore REAs**

45. For the reasons provided above, the Commission approves the Braes and Claysmore REAs' claim for recovery of costs in the total amount of \$24,324.25. This amount is composed of legal fees of \$22,234.00, disbursements of \$931.95 and GST of \$1,158.30.

## **5 Order**

46. It is hereby ordered that:

- (1) ATCO Electric Ltd. (transmission) shall pay intervener costs to the TWP510 ZL65 Landowner Group and Lakeland Rural Electrification Association in the amount of \$157,386.47. Payment shall be made to Ackroyd LLP on behalf of the TWP510 ZL65 Landowner Group and Lakeland Rural Electrification Association.
- (2) ATCO Electric Ltd. (transmission) shall record in its Hearing Costs Reserve account approved intervener costs in the amount of \$157,386.47.
- (3) ATCO Electric Ltd. (transmission) shall pay intervener costs to the Braes REA Ltd. and Claysmore REA in the amount of \$24,324.25. Payment shall be made to Main Street Law LLP on behalf of the Braes REA Ltd. and Claysmore REA.
- (4) ATCO Electric Ltd. (transmission) shall record in its Hearing Costs Reserve account approved intervener costs in the amount of \$24,324.25.

Dated on August 27, 2020.

**Alberta Utilities Commission**

*(original signed by)*

Neil Jamieson  
Commission Member