

DOCUMENT SUMMARY

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IN THE MATTER OF
THE UTILITIES COMMISSION ACT
S.B.C. 1980, c. 60, as amended

and

IN THE MATTER OF
AN APPLICATION FOR COSTS BY THE
ALKALI LAKE INDIAN BAND

DECISION

January 18, 1985

BEFORE :

M. Taylor, Chairman
N. Martin, Commissioner
P.C.M. Freeman, Commissioner
D.H. Hushion, Commissioner

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APPEARANCES

R. SALTER, Esq.	Alkali Lake Indian Band
W.H. McQUEEN, Esq., and M.F. SHOEMAKER, Esq.	British Columbia Hydro and Power Authority
R.B. WALLACE, Esq.	ICG Island Transmission Ltd. and Vancouver Island Gas Company Ltd.
C.W. SANDERSON, Esq.	Westcoast Transmission Company Limited
D. MASUHARA, Esq.	Inland Natural Gas Co. Ltd.
J.J. CAMP, Esq.	Commission Counsel

D. LEACH	Hearing Officer
ALLWEST REPORTING LTD.	Court Reporters

LIST OF EXHIBITS

	<u>Exhibit No.</u>
Application for Award of Costs - Alkali Lake Indian Band dated May 29, 1984	1
Submission of Mrs. Denise Lawson dated January 2, 1985	2
Submission of Parksville and District Chamber of Commerce dated January 9, 1985	3
Submission of the City of Nanaimo Southern Gas Route Committee dated January 9, 1985	4
Submission of the District of Powell River dated January 10, 1985	5
Submission of Inland Natural Gas Co. Ltd. dated January 11, 1985	6
Submission of B.C. Hydro and Power Authority dated January 10, 1985	7
Submission of Westcoast Transmission Company Limited dated January 10, 1985	8
Submission of ICG Island Transmission Ltd. dated January 8, 1985	9
Submission of Laurel Explorations Ltd. dated January 7, 1985	10
Submission of Mrs. Elizabeth Rennie dated January 4, 1985	11
Submission of Mr. Martin Rossander dated January 3, 1985	12
Reply of Alkali Lake Indian Band to Intervenor's Submissions dated January 16, 1985	13

ALKALI LAKE INDIAN BAND

COST AWARD DECISION

On January 17, 1985, the Vancouver Island Natural Gas Pipeline Project Panel held a public hearing to deal with the Alkali Lake Indian Band request for costs associated with the Band's intervention at the Vancouver Island Natural Gas Pipeline Hearing. This hearing was to consider only recoverable costs of the Alkali Lake Indian Band and was further limited to the scale or tariff of costs to be allowed, the particular items for which costs may be allowed and against whom payment of those costs may be ordered.

On December 20, 1984, the Commission had directed that all intervenors and applicants file written submissions with respect to the matters to be deliberated at the January 17, 1985 hearing.

The Commission travelled to Alkali Lake and heard evidence from the Band members on November 9 and 10, 1983. The Commission, except as hereinafter noted, accepts the costs and disbursements presented by the Band for the hearing at Alkali Lake.

A cost award by this Commission to an intervenor must reflect the value of that intervention. An intervenor who expends time and effort which does not contribute to nor advance understanding of the issues should not be compensated for those efforts.

On May 7 and 8, 1984 the Band presented further oral evidence in Vancouver. The Band also seeks costs and disbursements for its participation in May. The Commission considers that there was marginal benefit in the further oral evidence adduced in Vancouver. That evidence was in large measure a duplication of the evidence taken at Alkali Lake and therefore of limited value. Accordingly the time costs for legal services for the Band's participation in the month of April and May 1984 have been allowed at 50% of the amount presented. Disbursements for the Band's participation in Vancouver have been allowed in full.

The Commission has made further cost reductions as follows :

- 1) That no individual shall bill for more than 8 hours per day.
- 2) That the hourly rate of Clarine Ostrove, a junior lawyer, is reduced to \$60 per hour for a maximum of \$480 per day. The actual number of hours spent was presented at 47.2 but 56.7 is the corrected total which has been allowed.
- 3) That any costs associated with the Band's efforts to obtain funding for its intervention are disallowed.
- 4) That as the Commission attended at Alkali Lake in response to the invitation of the Band the rental fee for use of the Sxoxomic School Gymnasium is disallowed.

Calculation of these reductions in the bill of costs presented by the Alkali Lake Indian Band results in an award of costs of \$28,765.12 .

The Commission orders that B.C. Hydro and Westcoast Transmission share equally in payment of the \$28,765.12 to the Alkali Lake Indian Band.

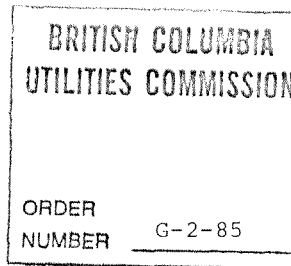
DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of January, 1985.


M. TAYLOR, Chairman


N. MARTIN, Commissioner


P.M.C. FREEMAN, Commissioner


D.H. HUSHION, Commissioner



PROVINCE OF BRITISH COLUMBIA
BRITISH COLUMBIA UTILITIES COMMISSION

IN THE MATTER OF the Utilities Commission
Act, S.B.C. 1980, c. 60, as amended

and

IN THE MATTER OF an Application for
Costs by the Alkali Lake Indian Band

BEFORE: M. Taylor,)
Chairman;)
N. Martin,)
Commissioner;) January 18, 1985
P.C.M. Freeman,)
Commissioner; and)
D.H. Hushion,)
Commissioner)

O R D E R

WHEREAS on March 30, 1984 the Court of Appeal
heard the Alkali Lake Indian Band's Appeal for costs associated
with their intervention in the public hearing concerning the
Vancouver Island Natural Gas Pipeline Project; and

WHEREAS on April 27, 1984 the Court of Appeal
issued Reasons for Judgment allowing the Band's Appeal and
making an order that the Alkali Lake Indian Band is an
Intervenor entitled to costs under Section 133(1) of the
Utilities Commission Act; the scale or tariff of the costs, the
particular items for which costs are to be allowed, by whom,
and when the costs are to be paid are all matters for the
Commission to decide; and

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BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
NUMBER G-2-85

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WHEREAS pursuant to a Commission notice dated December 20, 1984 all Applicants and Intervenors in the Pipeline Project Hearing were notified that written submissions would be accepted by the Commission, not later than January 10, 1985, pertaining to the matters specified in the April 27, 1984 Reasons stated by the Court of Appeal; and

WHEREAS the December 20, 1984 notice also stated that a hearing of oral submissions related only to Alkali Lake Indian Band costs would commence on January 17, 1985; and

WHEREAS the hearing was completed before the Commission on January 17, 1985.

NOW THEREFORE the Commission hereby orders as follows:

1. That in keeping with the Cost Award Decision issued concurrently with this Order costs in the amount of \$28,765.12 be paid to the Alkali Lake Indian Band.
2. B.C. Hydro and Power Authority and Westcoast Transmission Company, Limited will share equally in payment of the above costs to the Alkali Lake Indian Band. The amount is now due and payable.

DATED at the City of Vancouver, in the Province of British Columbia this 25th January, 1985.

BY ORDER



Chairman