

**THE PUBLIC UTILITIES BOARD  
OF THE  
NORTHWEST TERRITORIES**

**DECISION 33-2008**

**December 17, 2008**

**IN THE MATTER OF** the Public Utilities Act, being Chapter 110 of the Revised Statutes of the Northwest Territories, 1988(Supp.), as amended.

**AND IN THE MATTER OF** an application pursuant to Section 26 of the Public Utilities Act for intervener costs for The Thermal Generation Communities arising from the review of the Northwest Territories Power Corporation's Phase 2 General Rate Application for the 2006/07 and 2007/08 Test Years.

## **THE PUBLIC UTILITIES BOARD**

### **BOARD MEMBERS**

Joe Acorn	Chairman
John Hill	Vice-Chairman
William Koe	Member
Sandra Jaque	Member

### **BOARD STAFF**

Louise Larocque	Board Secretary
Raj Retnanandan	Board Consultant
John Donihee	Board Counsel

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## **1. BACKGROUND**

On August 15, 2008, the Northwest Territories Power Corporation (“**NTPC, the Corporation**”) filed its Phase 2 General Rate Application (“**Application**”) for the fiscal years April 1, 2006 to March 31, 2007 and April 1, 2007 to March 31, 2008 for approval of rates reflecting the Northwest Territories Public Utilities Board’s (“**the Board**”) Phase 1 revenue requirement and revenue deficiency determinations.

The Board combined the review of the Phase 2 GRA with the review of the NTPC responses to Directives 49 (Conflict of Interest) and 50 (Code of Conduct) from Decision 13-2007. Although the review was combined, the Board would issue separate decisions on the Phase 2 GRA and the responses to Directives 49 and 50.

The Board received submissions from interested parties respecting the Application through a written process.

For the Phase 2 GRA, the Board issued Decision 26-2008 dated October 27, 2008 providing directions to NTPC to refile its Phase 2 Application.

By letter dated October 30, 2008, NTPC refiled its Phase 2 Application. By letter dated October 31, 2008, NTPC filed a revised refiling of its Phase 2 Application due to questions from the Board and the Hydro Communities. The Board issued Decision 27-2008 dated October 31, 2008 approving the rate schedules, effective November 1, 2008.

The Board has not yet issued its decision on the review of the responses to Directives 49 and 50.

The Village of Fort Simpson, Hamlet of Fort Liard and Town of Inuvik (“**Thermal Generation Communities**”, “**TGC**”) participated as an intervener in the proceedings.

## **2. APPLICATION**

By letter dated November 22, 2008, the Consultant for the Thermal Generation Communities, Mr. Azad Merani, made an Application to the Board for intervener costs. The costs consisted of Consultant Fees in the amount of \$10,300.00.

The Board, in a letter dated November 24, 2008 advised NTPC of the Application for Intervener Costs made on behalf of the TGC and asked them to provide comment.

NTPC, by letter dated December 8, 2008, indicated that they had no comments regarding TGC's Application.

### **3. DECISION**

The Board's Rules of Practice and Procedure subsection 32.(2) stipulates that:

“(2) The Board may award costs to an intervener who

- (a) made a significant contribution which was relevant to the proceeding and which lead to a better understanding by all parties of the issues before the board;
- (b) participated in the hearing in a responsible manner and cooperated with other intervenors having common objectives in the outcome of the proceeding in order to avoid a duplication of intervention;
- (c) made a reasonable effort to secure alternative funding where such funding was available to the intervenor;
- (d) had a substantial interest in the outcome of the proceeding and represented the interests of a substantial number of ratepayers; and
- (e) has made an application for costs under rule 33.”

Pursuant to the Board's rules, the Thermal Generation Communities applied to the Board for an award of costs as specified in Section 2 of this Decision.

In determining whether costs should be awarded in a particular application, the Board considers a number of factors including the nature of the application, the extent of participation by the intervenors and the actual costs.

Predicated upon these and any other factors particular to a costs application, the Board determines whether the intervention by a party was meaningful and of assistance, whether the costs were prudently incurred, reasonable and necessary and by whom, to whom and in what amount the costs are to be paid.

Subject to the foregoing, the interventions by the Thermal Generation Communities in the proceeding were, in the Board's view, of benefit to the Board

and NTPC's ratepayers within the Village of Fort Simpson, Hamlet of Fort Liard and Town of Inuvik.

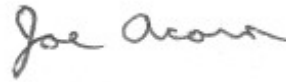
Based upon the foregoing, the Board finds that costs of \$10,300.00 are reasonable and necessary and that NTPC should forward this amount to Mr. Merani, in trust for distribution to the claimants. NTPC shall be entitled to recover this sum from its customers through the hearing cost reserve.

**4. BOARD ORDER**

**NOW, THEREFORE IT IS ORDERED THAT:**

The Northwest Territories Power Corporation shall forward payment for \$10,300.00 to the consultant of the Thermal Generation Communities within 30 days of this Decision with a copy to the Board for its information. These are the total costs approved by the Board with respect to the Application for Intervener Costs submitted by the Thermal Generation Communities.

**ON BEHALF OF THE  
PUBLIC UTILITIES BOARD  
OF THE NORTHWEST TERRITORIES**



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**Joe Acorn  
Chairman**

**Dated December 17, 2008**