

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

DECISION 12-2015

JUNE 16, 2015

IN THE MATTER OF the Public Utilities Act being Chapter 110 of the Revised Statutes of the Northwest Territories, 1998 (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 Project Permit Application, Colville Lake Plant.

THE PUBLIC UTILITIES BOARD

BOARD MEMBERS

Gordon Van Tighem	Chairman
Sandra Jaque	Vice-Chair
Charlie Furlong	Member

BOARD STAFF

Louise Larocque	Board Secretary
Raj Retnanandan	Board Consultant
Ayanna Catlyn	Board Counsel

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1. BACKGROUND

By letter dated December 22, 2014, the Northwest Territories Power Corporation (“**NTPC**”) submitted an application to the Northwest Territories Public Utilities Board (“**the Board**”) for approval of a project permit, pursuant to Section 54 of the *Public Utilities Act* (“**the Act**”), for a major capital project permit respecting the replacement and relocation of the generating plant at Colville Lake. NTPC states that the total cost of the proposed project is estimated at \$6.6 million including the purchase and installation of three new modular generators (diesel), integrated with 135 kW of solar generation and 200 kWh of battery storage.

By letter dated January 5, 2015, the Board issued Information Requests (“**IRs**”) to NTPC and stated that interested parties would have an opportunity to file additional IRs by January 9, 2015, with the responses due by January 30, 2015. In its letter, the Board indicated that NTPC and the interested parties may provide submissions on the Application and responses to IRs by February 13, 2015.

Northland Utilities Limited submitted IRs on January 9, 2015. NTPC provided its responses to the IRs on January 30, 2015. NTPC and the Thermal Generation Communities (“**TGC**”) submitted their submissions on February 13, 2015.

The Board issued Decision 7-2015, dated March 10, 2015 approving NTPC’s Application for a project permit for the replacement and relocation of the generating plant at Colville Lake.

TGC participated as an intervener in the proceeding.

2. APPLICATION

By letter dated May 13, 2015, the Counsel for TGC, Mr. G. Rangji Jeerakathil, made an Application to the Board for intervener costs with respect to NTPC Project Permit Application, Colville Lake Plant. The costs consisted of Legal Fees, Consultant Fees and Disbursements in the amount of \$2,105.50.

The Board, by letter dated May 19, 2015, advised NTPC of the Application for Intervener Costs made on behalf of TGC and requested that they provide comment, if any, by June 2, 2015.

By letter dated June 3, 2015, NTPC stated that it had no comments regarding TGC's cost claim.

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 interveners 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 intervener;
- (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, TGC 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 and effectiveness of participation by the interveners and the actual costs.

Predicated upon these and any other factors particular to a cost 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.

The intervention by TGC was, in the Board's view, of benefit to the Board and ratepayers within the Town of Inuvik, Village of Fort Simpson, Town of Norman Wells and Hamlet of Fort Providence.

The Board considers that the cost claimed by Mr. Jeerakathil on behalf of TGC was reasonably and prudently incurred.

Based upon the foregoing, the Board finds that costs of \$2,105.50 are reasonable and necessary and that NTPC should forward \$2,105.50 to Mr. G. Rangi Jeerakathil, in trust for distribution to the claimants. NTPC shall be entitled to recover this sum from their customers through the mechanism of the Hearing Costs Deferral Account.

4. BOARD ORDER

NOW, THEREFORE IT IS ORDERED THAT:

Northwest Territories Power Corporation shall forward payment of \$2,105.50 to the solicitor 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 General Communities.

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



**Gordon Van Tighem
Chairman**

Dated June 16, 2015