

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

**DECISION 21-2016**

**SEPTEMBER 26, 2016**

**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 Hydro Communities arising from the review of the Northwest Territories Power Corporation 2016/17 Interim Rate Application.

**THE PUBLIC UTILITIES BOARD**

**A DIVISION OF THE BOARD (SECTION 7.(1) PUBLIC UTILITIES ACT)**

**BOARD MEMBERS**

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**BOARD STAFF**

Louise Larocque

Board Secretary

Raj Retnanandan

Board Consultant

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Board Counsel

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## **1. BACKGROUND**

1. By letter dated April 29, 2016, the Northwest Territories Power Corporation (“**NTPC**” or “**Corporation**”) filed a 2016/17 Interim Rate Application. NTPC applied for interim rates to increase energy charges to all customer classes in all communities by 4.8% increase, effective June 1, 2016. NTPC stated that consistent with the Government of the Northwest Territories’ rate policy guidelines from February 2015, NTPC is not seeking to adjust customer charges or demand charges.
2. NTPC also stated that consistent with its last General Rate Application (“**GRA**”), NTPC is proposing to transition to rates that fully recover NTPC’s revenue requirement by the end of a three-year period. In the 2016/17 test year, the Corporation is requesting final rates be approved that are 4.8% higher than current rates for all communities and rate classes.
3. The Northwest Territories Public Utilities Board (“**Board**”), by letter dated May 2, 2016, noted that interim rate increases in the past have typically been requested in the context of a filed GRA. Since a GRA with respect to 2016/17 has not been filed by NTPC there is insufficient information to assess on a prima facie basis, whether the requested interim increase is justified. Accordingly, as part of the May 2, 2016 letter the Board issued a set of information requests to NTPC which were intended to complete the record of the proceedings with respect to the interim application. By way of the May 2, 2016 letter the

Board instructed NTPC to publish notice of the application and established a schedule for examination of the interim rate application.

4. The Thermal Generation Communities ("**TGC**"), the Hydro Communities ("**HC**"), and Ms. Janaki Balakrishnan from Envision requested to participate in the proceeding.
5. The Board, TGC, HC and Ms. Balakrishnan issued information requests to which NTPC responded on May 20, 2016.
6. Submissions from all parties were filed on May 27, 2016.
7. The Board issued Decision 5-2016 and denied NTPC's application for interim rate increase effective June 1, 2016.
8. HC participated as interveners in the proceeding.

## **2. APPLICATION**

9. By letter dated August 17, 2016, the Counsel for HC, Mr. Thomas D. Marriott, made an Application to the Board for intervener costs with respect to NTPC's 2016/17 Interim Application. The costs consisted of Legal Fees, Consultant Fees and Disbursements in the amount of \$3,045.99.
  
10. The Board, by letter dated August 19, 2016, advised NTPC of the Application for Intervener Costs made on behalf of HC and requested that they provide comment, if any, by September 2, 2016.
  
11. By letter dated August 22, 2016, NTPC stated that they had no comments in regards to the intervener's cost claim.

### **3. DECISION**

12. 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.”

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

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

15. Predicated upon these and any other factors particular to a cost application, the Board determined 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.

16. The intervention by HC was, in the Board's view, of benefit to the Board and ratepayers within the City of Yellowknife and the Town of Hay River.

17. The Board considered that the cost claimed by Mr. Marriott on behalf of HC was reasonably and prudently incurred.

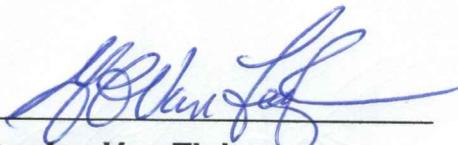
18. Based upon the foregoing, the Board finds that costs of \$3,045.99 are reasonable and necessary and that NTPC should forward such amounts to Mr. Thomas D. Marriott, in trust for distribution to the claimants. NTPC shall be entitled to recover this sum from its customers through the mechanism of the Hearing Costs Deferral Account.

**4. BOARD ORDER**

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

19. Northwest Territories Power Corporation shall forward payment of \$3,045.99 to the solicitor of the Hydro 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 Hydro Communities.

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

  
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**Gordon Van Tighem  
Chairman**

**Dated September 26, 2016**