

YUKON UTILITIES BOARD INTERVENOR COSTS AWARD POLICY

ESTABLISHED JUNE 3, 2005

Background

Pursuant to section 56 of the *Public Utilities Act*: "The Board may order to whom or by whom any costs incidental to any proceeding before the Board are to be paid and may set the costs to be paid." Rule 33 of the Rules of Practice ("Rules") provides that "...the Board may award costs in accordance with Schedule I" of the Rules. Pursuant to Rules 3(1), 3(3) and 33, the Board has established a procedure for dealing with funding requests in the matter currently before the Board.

Submitting a Claim to the Board

An application for a cost award must be made by filing a written application with the Yukon Utilities Board setting out the reasons for such an award within 30 days of the Board's rendering of the Decision. A Participant applying for costs should again address its eligibility considering the Rules of Practice, preferably citing examples from the proceeding to support the awarding of costs.

According to Schedule I of the Rules: "Before exercising its statutory discretion to award costs, the Board will consider such questions as the effectiveness of the party's participation, its relevancy to the issues, and whether the costs were reasonably and prudently incurred, and whether the party has been diligent in the efficient presentation of its position." Applications should specifically address all of these questions in detail.

In addition, the application should be supported by a statement of costs with the appropriate receipts, vouchers and copies of fee billings together with an affidavit in support of the claim for the award of costs.

Schedule 1 of the *Public Utilities Act* outlines the scale of costs that will apply to all Intervenor costs awards

Response of the Board

The Board will:

- (i) review the application and statement of costs. If the scale requires disbursement vouchers and either no vouchers or inadequate vouchers are submitted, the Board will notify the claimant by letter to advise of any deficiency;
- (ii) provide the party being asked to pay, and any other party identified by the Board panel, with copies of the cost award applications. The party will have 10 working days to respond with any comments on the applications;
- (iii) determine the entitlement to an award taking into account the criteria established in Rules; and
- (iv) issue an order containing its decision with respect to the application.