



# Montana Alberta Tie Ltd.

Electric Transmission Line Facilities Application

Cost Awards

**ALBERTA ENERGY AND UTILITIES BOARD**  
Energy Cost Order 2008-009: Montana Alberta Tie Ltd.  
Electric Transmission Line Facilities Application  
Application No. 1466688

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# **ALBERTA ENERGY AND UTILITIES BOARD**

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**Calgary, Alberta**

**Montana Alberta Tie Ltd.  
Electric Transmission Line Facilities Application**

**Energy Cost Order 2008-009  
Application No. 1466688  
Cost Application No. 1497674**

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## **1 INTRODUCTION**

On August 22, 2006, Montana Alberta Tie Ltd. (MATL) filed Application No. 1475724 with the Alberta Energy and Utilities Board (EUB or the Board) requesting approval to construct and operate a 230-kV international merchant transmission line from its proposed substation site northeast of Lethbridge to the United States border in the vicinity of LSD4-3-1-17 W4M. The line would terminate in the vicinity of Great Falls, Montana.

On April 26, 2006, Alberta Electric System Operator (AESO) filed a Needs Information Document (NID), registered as Application No. 1458443, with the Board to interconnect an international merchant transmission line to the Alberta Interconnected Electric System. On November 2, 2006, AESO filed a major amendment to its NID to deal with scope changes to the original design.

On December 13, 2006, AltaLink Management Ltd. (AltaLink) filed Application No. 1492150 with the Board requesting for the facilities to be located adjacent to the proposed MATL substation.

On April 10, 2007, the Board held a prehearing meeting in Lethbridge, Alberta; and on October 31, 2007 the Board commenced the hearing in Lethbridge, Alberta. The Panel presiding over this matter consisted of J. F. Curran, Q.C. (Acting Presiding Member), D. G. Tingley, (Acting Board Member), and J. Turner (Acting Board Member).

On May 2, 2007, the Board issued Decision 2007-033 related to the prehearing, and on January 31, 2008 the Board issued Decision Report [2008-006](#).

During the week of December 17, 2007 the Board received cost claims totaling \$456,363.44 from the following parties:

- The Blood Tribe
- Citizens for Responsible Power Transmission
- Ken Glover Professional Corporation
- The MacLachlan Land Owner Group
- Sovereign Blackfoot Nation

## 2 VIEWS OF THE BOARD – AUTHORITY TO AWARD COSTS

In determining local intervenor costs, the Board is guided by its enabling legislation, in particular, section 28 of the *Energy Resources Conservation Act* (ERCA), which reads as follows:

- 28(1) In this section, “local intervenor” means a person or a group or association of persons who, in the opinion of the Board,
- (a) has an interest in, or
  - (b) is in actual occupation of or is entitled to occupy

land that is or may be directly and adversely affected by a decision of the Board in or as a result of a proceeding before it, but, unless otherwise authorized by the Board, does not include a person or group or association of persons whose business includes the trading in or transportation or recovery of any energy resource.

It is the Board’s position that a person claiming local intervenor costs must establish the requisite interest in land and provide reasonable grounds for believing that such an interest may be directly and adversely affected by the Board’s decision on the project in question.

When assessing costs, the Board will have reference to Part 5 of the *Rules of Practice* and to its *Scale of Costs*.

Section 55(1) of the *Rules of Practice* reads as follows:

- 55(1) The Board may award costs in accordance with the Scale of Costs, to a participant if the Board is of the opinion that:
- (a) the costs are reasonable and directly and necessarily related to the proceeding and;
  - (b) the participant acted responsibly in the proceeding and contributed to a better understanding of the issues before the Board.

## 3 THE BLOOD TRIBE

### 3.1 Views of the Parties

Mr. Graves submits a cost claim for professional fees in the amount of \$5,125.00 and expenses of \$485.00, for an overall claim for \$5,610.00.

On January 11, 2008, MATL submitted comments regarding the Blood Tribe’s cost claim. MATL submits that although Mr. Graves, representative for the Blood Tribe, did not participate in the hearing, Mr. Graves did make written representations on behalf of the Blood Tribe in advance of the hearing and attended the Pre-Hearing Conference. In addition, MATL submits that the costs appear to be limited to this early participation.

Subject to the Board’s recognition that Mr. Graves’ costs were incurred on behalf of the Blood Tribe, MATL does not object to the cost claim.

On January 25, 2008, Mr. Graves submitted a response to MATL's comments. The proposed line is in relatively close proximity to the Blood Reserve, Chin Coulee, and the Milk River, and comprises an area still frequently utilized for hunting, gathering and ceremonial purposes by the members of the Blood Tribe. Mr. Graves confirmed that the intervention put forward by the Blood Tribe represented the interests of the respective Chiefs, Councillors, Elders, and technicians.

### **3.2 Views of the Board**

The Board notes that standing for the Blood Tribe was not addressed in Decision 2008-006. In considering the eligibility for cost recovery, the Board has taken into account the original proposal of the route for the transmission line, and the interests of the Blood Tribe. The Board finds that the Blood Tribe was a directly and adversely affected party with an interest in land, and that such land would be directly affected by the Board's decision. The Board reached this conclusion based on the Blood Tribe's written materials describing traditional use activities on lands along portions of the transmission line. Therefore, the Board finds that the Blood Tribe is eligible to apply for cost recovery.

The Board accepts Mr. Graves' submission that the intervention represented the interests of the Blood Tribe's Chiefs, Councillors, Elders, and technicians. The Board finds that Mr. Graves' costs were appropriately incurred on behalf of the Blood Tribe.

The Board is of the view that Mr. Graves' fees and expenses are directly and necessarily related to the preparation and presentation of the Blood Tribe's intervention, and agrees with MATL that they are reflective of the Blood Tribe's limited participation.

The Board approves Mr. Graves' costs in full.

## **4 CITIZENS FOR RESPONSIBLE POWER TRANSMISSION (CRPT)**

### **4.1 Views of the Parties**

CRPT submits a cost claim totaling \$107,094.86. The claim includes legal fees of \$65,061.00 and expenses of \$561.29 incurred by Stenbeck Law Office; expert fees of \$16,500.00 and expenses of \$2,108.53 incurred by Dr. Milham; and various honoraria totaling \$8,950.00 and expenses of \$8,785.04 incurred by the members of CRPT. Lastly, GST with respect to fees and expenses is claimed in the total amount of \$5,129.00.

On January 11, 2008, MATL submitted comments regarding the cost claim submitted by Mr. Stenbeck on behalf of CRPT. MATL recognizes the efforts by Mr. MacLachlan, counsel to the MacLachlan Landowner Group, and Mr. Stenbeck to work in a co-operative manner, divide issues, and minimize the redundancy in their efforts and costs. MATL notes however, that the overall costs of \$107,094.86 are substantive, and raises the following concerns.

Mr. Stenbeck claims a portion of costs, approximately \$3,762.00, which are attributed to the National Energy Board (NEB) proceeding. MATL disagrees with Mr. Stenbeck's argument that given that the same materials were submitted to both the NEB and EUB proceedings, an apportionment of the costs for the NEB proceeding is appropriately included in the EUB cost

claim. In MATL's view, the EUB's scope of authority is separate and distinct from that of the NEB, and therefore the costs related to each proceeding should also be considered separately.

Mr. Stenbeck claims 12 hours (\$2,160.00) for attending an AEN conference, and to meet with potential clients. MATL submits that these activities are not directly related to the EUB proceeding, and as such should not be eligible for recovery.

Mr. Stenbeck claims 4.8 hours (\$864.00) for preparation of an advance funding request. MATL notes that section 5.1 of Directive 031A provides for a number of instances where costs may not be considered reasonable. Included in these instances is "costs relating to the preparation of the claim for an award of costs by local interveners". Therefore, MATL is of the view that these costs should not be eligible for recovery.

Lastly, MATL takes issue with the attendance claim from CRPT members and certain expenses. MATL submits that the attendance claim, based on 716 hours at \$12.50 per hour, is inappropriate as hearing attendance should not be construed as a source of employment income. MATL also notes that section 6.2.3 of Directive 031A provides for attendance honoraria. Regarding expenses, MATL notes that some expenses were incurred outside of the hearing phase and suggests that CRPT should substantiate individual mileage claims by identifying the individual and the purpose for which their travel was required.

On January 16, 2008, CRPT submitted a response to MATL's comments.

With respect to the NEB and EUB proceedings, Mr. Stenbeck submits that this is one of the first international transmission line applications that deals with the interplay of the NEB and EUB. It was not known in advance what issues would be properly placed before the NEB and before the EUB, therefore all relevant issues needed to be addressed. Regardless of the separate proceedings, Mr. Stenbeck submits that the work was ultimately required for the EUB proceeding.

With respect to time associated with the AEN conference, Mr. Stenbeck submits that he attended the conference with two clients. Much of the time is related to discussion of the MATL application and organization of the intervention.

With respect to costs for preparing an advance funding request, Mr. Stenbeck notes that this request was not for preparing a claim for a final cost award, but rather to ensure that funds would be available to satisfy a final cost award at a later time.

Lastly, with respect to honoraria and expenses, Mr. Stenbeck confirms that the attendance honorarium of \$50 per half day was complied with in the cost claim. The hourly rate of \$12.50 was used to address the formatting of the EUB cost forms. In addition, the CRPT members were required to attend as many days as possible given the lack of information provided by MATL. In that regard, Mr. Stenbeck notes the lack of establishing a firm route, the switching of pole materials from wood to metal, and various vague assurances as to heights and clearances. Regarding travel expenses, including meals, these claims represent travel from the outlying areas around Readymade and Warner to Lethbridge for hearing attendance. For these reasons, the Board should approve the attendance honoraria, travel expenses, and meals as claimed.

## **4.2 Views of the Board**

### **4.2.1 Stenbeck Law Office**

With respect to costs relating to the NEB proceeding, the Board is of the view that these costs reflect work which ultimately assisted the Board and contributed to the Board's understanding of the issues before it. Therefore, the Board finds it reasonable that CRPT recover this cost.

With respect to costs relating to attendance at the AEN Conference, while the Board understands that Mr. Stenbeck did attend with two clients, and did discuss the MATL application, the Board is of the view that this is not the most efficient way for counsel to prepare and organize an intervention. Therefore, the Board does not find it appropriate for MATL to bear this portion (\$2,289.60 including GST) of the cost claim.

As to costs relating to preparation of advance funding, the Board agrees with Mr. Stenbeck that given this application was for an international merchant power line, there was a certain degree of risk with respect to cost recovery. Recognizing that this risk could hinder an intervention, and given that the costs are not for preparation of the final cost claim, the Board finds it reasonable that CRPT recover this cost.

The Board has reviewed the expenses incurred and finds them to be reasonable, appropriate for the intervention conducted, and in accordance with Directive 031A. The Board approves the expenses in full.

### **4.2.2 Dr. Milham**

As discussed in Decision 2008-006, a number of landowners raised concerns about whether or not long-term, low level exposure to Electro Magnetic Fields (EMFs) could have a negative impact on human health. The Panel heard conflicting evidence from MATL's expert, Dr. Erdreich, and CRPT's expert, Dr. Milham.

Dr. Milham argued that the Panel should disallow MATL's application on the basis of anticipated health impacts to the individuals who reside along the proposed line. In section 9.2 of Decision 2008-006, the Board concluded that the evidence does not establish a casual relationship between EMF and serious human health impacts.

Although the Board did not ultimately agree with Dr. Milham's evidence, the evidence was helpful and motivated valuable discussion for the Panel. The Board approves Dr. Milham's costs in full, being \$19,598.53, including fees of \$16,500.00, disbursements of \$2,108.53 and GST of \$990.00.

### **4.2.3 CRPT Members**

The CRPT members claim attendance honoraria of \$8,950.00 and expenses of \$8,785.04. The Board recognizes that the amount claimed is based on \$100 per day and \$50.00 per half day, as prescribed in section 6.1.2 of Directive 031A.

The Board finds it important to recognize that members of CRPT endeavored to organize the CRPT group, understand the application and the EUB's processes, participate in preliminary meetings, prepare submissions, present presentations, and participate at the hearing as witnesses.

The Board recognizes that this is the personal time of each member, and appreciates each member's efforts throughout the process.

While Directive 031A does limit attendance honoraria awards to two individuals the Board has determined that such a limit is not appropriate in this case. The Board has concluded that, in recognition of the attendance and contribution made by members of the CRPT, it is appropriate to exercise its discretion and recognize the attendance of all members and award 90% of the amount claimed.

The Board has reviewed the expenses claimed by the CRPT members. In addition to the standard meals, mileage, copying, fax, and postage charges, CRPT members claim for various unique expenses. The following list identifies these unique expenses.

- Childcare (\$80.00)
- Printer and fax cartridges, and ink (\$393.29)
- Digital camera (\$232.96)
- Professional preparation of power point presentation (\$540.00)

With respect to childcare costs, the Board recognizes that this can be a necessary expense for some families that are assisting with the organization of an intervention, and participating at a Board hearing. Therefore, the Board approves this expense.

With respect to printing and faxing, cartridges, and ink, the Board recognizes that these expenses have been substantiated with receipts. The Board recognizes that the material for this proceeding was voluminous, and finds it appropriate that these supplies were required. Therefore, these expenses are approved in full.

With respect to the digital camera, the Board recognizes that Mr. Moser's photographs were referred to in direct evidence. The Board finds that the cost of the digital camera is modest if compared to hiring a professional photographer. Further, the Board accepts Mr. Moser's submission that he did not have a camera and only purchased one for the purposes of this hearing. The Board finds the purchase of the digital camera to be reasonable in the circumstance, and approves the expense in full.

With respect to Ms. Sincennes' claim for professional preparation of a power point presentation the Board finds this amount reasonable.

Taking all of the foregoing into account, the Board approves \$8,055.00 for honoraria, expenses in the amount of \$8,785.04, and GST in the amount of \$209.36.

## **5 KEN GLOVER PROFESSIONAL CORPORATION (GPC)**

### **5.1 Views of the Parties**

GPC submits a cost claim totaling \$24,875.45. The claim includes legal fees of \$15,677.00, expenses of \$2,356.24 and GST in the amount of \$1,082.00 incurred by Ackroyd LLP, honoraria of \$3,050.00, expenses of \$2,591.03 and GST in the amount of \$119.18.

On January 11, 2008, MATL submitted comments questioning the reasonableness and necessity of several of the disbursements claimed by the GPC.

One issue raised by MATL is whether GPC and the environmental groups, including Toxics Watch Society of Alberta (Toxics Watch) should be represented by separate legal counsel. MATL submitted that the Glovers and Toxics Watch were both represented by Mr. Stenbeck well into the oral hearing. MATL notes that Mr. Stenbeck had indicated that he intended to call Mr. Glover as one of his witnesses; however, there is no explanation provided in Mr. Glover's cost claim as to why, during the course of the proceeding, it was necessary for the GPC or Toxics Watch to be represented by other or separate counsel, at a substantial increment cost.

MATL submits that GPC's cost claim characterizes that the evidence submitted and presented by Toxics Watch and other environmental groups was presented on behalf of GPC and that the reason for this was because the environmental groups would not have otherwise qualified as a local intervener and as such would not be entitled to an award of costs on their behalf.

MATL further states that the marriage of the environmental groups and the GPC was one of convenience rather than substance. Nothing in the materials supporting the cost claim indicates that the GPC is or will be responsible for the costs of the environmental groups independent of a cost award being made by the Board.

With respect to fees and honoraria claimed by GPC, MATL submits that Ms. Sheriff has claimed unreasonable fees and honoraria because she is not in her own right an entitled local intervener and that the several days she took to prepare her oral presentation added no substance to the written submissions previously filed by Toxics Watch. MATL also submits that her presentation added no relevant material to the determination to be made by the Board. Regarding Mr. Staszewski, MATL submits that he does not qualify for an honorarium as a local intervener and that he has not been retained by the Glovers as a consultant.

Lastly, MATL submits that the disbursement relating to the kenneling of two dogs is not a reasonable cost and that it is not directly or necessarily related to the preparation and presentation of the intervention.

On January 25, 2008, the GPC filed a response to MATL's comments regarding GPC's cost claim.

With respect to the GPC being represented by separate counsel, they note that affected parties have the right to choose their own counsel and that they chose to be represented by Ackroyd LLP because both of the Glovers are seniors who needed access to experienced counsel in Edmonton to obtain advice and assistance. In addition, GPC submits that separate counsel was sought because such counsel could devote more time to the Glovers' unique circumstances. GPC notes that the Glovers' land would be directly impacted by the power line and the proposed substation.

GPC submits that it was prudent for the Glovers and environmental groups to seek counsel with one firm to meet the expectation of the Board in terms of sharing resources. Also, the witnesses were located in Edmonton and therefore, it was more convenient and efficient for preparation and briefing.

Regarding MATL's comments on Ms. Sheriff and Mr. Staszewski's honoraria claims, GPC submits that although Ms. Sheriff worked as a member of Toxics Watch, the end product was presented as evidence for the Glovers. GPC also submits that Mr. Staszewski claimed only half a day attendance at the hearing and gave evidence on behalf of the Glovers in accordance with Directive 031A.

GPC also notes that the Board acknowledged on p. 2449 line 9 to p. 2450 line 2 of the transcript that the evidence presented by Ms. Sheriff and Mr. Staszewski was relevant and germane to the determination it was being asked to make.

With respect to the Glovers' claim for the dog kennel reimbursement, GPC submits that the disbursement was directly related to the Glovers giving evidence at the hearing because they did not have alternate care for the dogs. GPC notes that it was an out-of-pocket expense similar to the nature of babysitting costs which the Board has allowed in the past.

## **5.2 Views of the Board**

Ms. Karin Buss claims fees for 18.4 hours of preparation, and 0.6 hours for argument and reply, all at a rate of \$250/hr. Mr. Robert Joseph claims fees for 34.3 hours of preparation, 11.4 hours for attendance and 22 hours for argument and reply all at a rate of \$140/hr. Mr. Joseph also claims 18.9 hours for travel time at a rate of \$70/hr. Mr. Todd Nahirnik claims fees for 0.7 hours preparation at a rate of \$180/hr.

Upon review of all comments and responses submitted, the Board is of the view that the final argument lacked relevancy and helpfulness to the matter being presented. That being said, the Board also recognizes the amount of time and effort directed to the Glovers' claim. The Board has concluded that a significant reduction is appropriate to the claim for legal services.

Regarding the cost claims of Ms. Sheriff and Mr. Staszewski, neither was granted intervener standing. Mr. Staszewski did not present evidence and therefore is not awarded a witness honoraria. Ms. Sheriff did appear as a witness on behalf of GPC and is awarded a witness honoraria although the Board viewed much of her evidence as being unrelated to the MATL applications.

The Board finds that the dog kenneling expense of \$360.00 is appropriately incurred while attending at the hearing.

Having regard to the foregoing, the Board has concluded that it should apply a general reduction to this cost claim. As a result, the Board finds it reasonable and appropriate to reduce the claim of GPC by 30% for a total award of \$17,412.81 for fees, honoraria, expenses and GST.

## **6 MACLACHLAN LAND OWNER GROUP (MLG)**

### **6.1 Views of the Parties**

MLG submits a cost claim totaling \$306,308.13. The claim includes legal fees of \$147,810.50, expenses of \$2,838.23 and GST of \$9,038.92 incurred by MacLachlan McNab Hembroff; expert fees of \$122,595.00, expenses of \$3,741.91 and GST of 7,580.21 incurred by Berrien Associates Ltd; and transcript fees of \$11,984.30 and \$719.06 for related GST.

On January 11, 2008, MATL submitted comments regarding MLG's cost claim.

Regarding legal costs, MATL recognizes that the Board's Scale of Costs provided for in Directive 031A prescribes a maximum hourly rate of \$250.00. Mr. MacLachlan and Mr. Hembroff have each claimed an hourly rate of \$275.00. In addition, MATL notes that the cost claim includes 2.3 hours for the preparation of a request for advance funding. Section 5.1 of Directive 031A provides that the Board may not consider costs relating to preparation of a cost claim to be a reasonable cost.

MATL is concerned with the direct and indirect legal and consulting costs incurred for addressing an issue related to a required electrical set back for irrigation systems from MATL's electric facilities. MATL is of the view that considerable time, effort and costs were unnecessarily devoted to the setback issue. MATL notes that Mr. Berrien did not amend his evidence even though no material basis remained in evidence before the Board for his assertion that "...impacts on irrigation from power lines cannot be easily mitigated" and therefore the evidence showed, to the contrary, that MATL's design was effective in terms of mitigating impacts on irrigation.

On January 25, 2008, MLG filed a response to MATL's comments.

Regarding the Scale of Costs, MLG acknowledged the Scale of Costs' maximum hourly rate of \$250.00. Mr. MacLachlan notes that his years of experience are significantly greater than twelve years; however, if the Board is not prepared to recognize a higher rate at this time, Mr. MacLachlan has no further comments.

In response for the preparation of cost claims, MLG interprets the Board's guidelines differently than MATL. MLG confirms that costs for preparation of the final cost claim are not included, but submits that it is reasonable to include the time that MATL has recognized which relates to securing a modest agreement with MATL to provide security for anticipated costs.

In relation to the electrical setbacks and approach distances, MLG submits that these issues were key concerns of MLG. Recognizing that MATL had not included any information in their material regarding these issues, MLG obtained and filed information from various sources in an attempt to arrive at a consensus for the appropriate setbacks. MLG is of the view that it was clear during cross-examination of the MATL experts that MLG effectively used the information obtained and developed a relatively clear understanding of the setbacks.

MLG takes exception to MATL's comments that the setback issue was erroneous. In that regard, MLG notes that during the course of the hearing, MATL recognized the need for increased height of the power lines through the irrigated area so that there would be additional clearance from irrigation equipment.

## **6.2 Views of the Board**

With respect to the hourly rates claimed by Mr. MacLachlan and Mr. Hembroff, the Board is of the view that the Scale of Costs represents a fair tariff and therefore the Board is not prepared to award the hourly rate claimed of \$275.00. The Board therefore reduces the legal fees by \$13605.63 (inclusive of \$770.13 GST). The Board also notes that there are costs being claimed

in relation to hours incurred for a Federal Court issue; therefore, the Board is making a further reduction of legal fees of \$125.00 leaving \$134,079.87.

With respect to the costs incurred for preparation of a request for advance funding, as discussed earlier in section 4.2.1, the Board finds it appropriate for this cost to be recovered.

In relation to Mr. Berrien, the Board is of the view that his work involved analysis of the impact of the proposed power line on the farming operations of the interveners represented by both MacLachlan and Stenbeck and therefore approves all costs being claimed through the MacLachlan group on his behalf.

The Board finds that the costs incurred by both Mr. MacLachlan and Mr. Berrien with Bartech Services Ltd. to assist with the understanding of setback issues are recoverable in full. In reaching this conclusion the Board has determined that the decision made by the MLG not to present direct evidence at the hearing was well explained in the cost submissions and contributed to a more efficient hearing. The Board is satisfied that the work done by Mr. Barry contributed to a better understanding of the issues by the MLG and that such an understanding provided assistance to the Board evidenced by the MLG cross-examination of MATL.

The Board has also noted that there were costs incurred for secretarial work provided to MLG. The Board has reviewed this and is of the view that the costs claimed for this expense exceeds the Scale of Costs by \$411.28 (inclusive of GST) and is therefore reducing it by the same amount.

The Board has reviewed the expenses submitted on behalf of MLG and finds them to be reasonable and thereby approves the amount claimed for expenses in full.

## **7 SOVERIGN BLACKFOOT NATION (SBN)**

### **7.1 Views of the Board**

In considering the cost claim submitted by SBN, the Board recognizes the following direction in Decision 2008-006.

Mr. Good Striker, on behalf of the Sovereign Blackfoot Nation, also requested standing. The Board concluded that the Sovereign Blackfoot Nation did not establish that it was a recognized entity of a distinct community of individuals with Treaty or Aboriginal rights and hence that those rights could in anyway be infringed by MATL's application. The Board denied this group standing, but did invite Mr. Good Striker to make a presentation to the panel.

Given the Board's determination of standing in Decision 2008-006, the Board finds that SBN is not eligible to apply for recovery of costs pursuant to section 28(1) of the ERCA, and therefore denies this cost claim in full.

## **8 TREATMENT OF APPROVED COSTS**

On January 11, 2008, AltaLink submitted the following comments in respect of intervener cost claims.

AltaLink's position is that intervener cost claim amounts are attributable to MATL. MATL is a merchant line and, as such, the costs claimed should be wholly attributable to MATL and not borne by the Alberta rate payers.

By way of letter dated January 24, 2008 MATL also advised the Board that cost awards should be attributable to MATL.

The Board agrees with this approach and finds that MATL is responsible for the intervener costs approved in this Order. The Board recognizes that MATL has advanced funds to interveners during the course of the application review process. MATL shall deduct the amount so advanced to an intervener from the final cost award payment.

## **9 ORDER**

IT IS HEREBY ORDERED THAT:

- (1) Montana Alberta Tie Ltd. shall pay intervener costs in the amount of \$5,610.00 to Graves Engineering Corporation.
- (2) Montana Alberta Tie Ltd. shall pay intervener costs in the amount of \$103,910.26 to Stenbeck Law Office, Attention: Scott Stenbeck.
- (3) Montana Alberta Tie Ltd. shall pay intervener costs in the amount of \$17,412.81 to Ackroyd LLP, Attention: Robert S. Joseph
- (4) Montana Alberta Tie Ltd. shall pay intervener costs in the amount of \$280,289.07 to MacLachlan McNab Hembroff, Attention: Thomas B. MacLachlan.

Dated in Calgary, Alberta on this 1 day of August, 2008.

### **ALBERTA ENERGY AND UTILITIES BOARD**

*“Original Signed by John F. Curran”*

John F. Curran, Q.C.  
Presiding Member

*“Original Signed by Donna G. Tingley”*

Donna G. Tingley  
Acting Member

*“Original Signed by Jim Turner”*

Jim Turner  
Acting Member

## APPENDIX A – SUMMARY OF COSTS CLAIMED AND AWARDED



MATL Costs Decision  
ECO 2008-0XX (Electr