



## West Energy Ltd.

Board-Initiated Review Hearing Regarding  
Decision 2007-061, Pembina Field

Cost Awards

September 5, 2008

**ALBERTA ENERGY AND UTILITIES BOARD**

Energy Cost Order 2008-011: West Energy Ltd.—Board-Initiated Review Hearing Regarding  
*Decision 2007-061*, Pembina Field

September 5, 2008

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# ALBERTA ENERGY AND UTILITIES BOARD

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Calgary Alberta

**WEST ENERGY LTD.  
BOARD-INITIATED REVIEW HEARING REGARDING  
DECISION 2007-061, PEMBINA FIELD**

**Energy Cost Order 2008-011  
Application No. 1545126  
Cost Application No. 1548553**

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## 1 INTRODUCTION

### 1.1 Background

In 2006, West Energy Ltd. (West) applied to the Alberta Energy and Utilities Board (EUB/Board) for licences to drill two sour crude oil wells from a common surface location, which would encompass a large number of residences, some located east of the proposed wells within a river valley.

A number of residents in the emergency planning zone (EPZ) formed a group called the Rocky Rapids Concerned Citizens (RRCC) and expressed concerns about the proposed wells, including emergency response planning, in that the only egress out of the EPZ for people east of the proposed wells was past the proposed well site. The RRCC was opposed to the wells. Brazeau County (the County) also expressed concerns and was opposed to the wells.

Given the concerns expressed by those parties residing in the EPZ, a Board panel of the EUB held a public hearing that commenced on March 26, 2007. During the hearing, West stated that it believed that one egress road out of the EPZ was sufficient along Range Road 500. However, to address the RRCC's concerns, West committed to construct an additional egress road out of the river valley (the original road). West submitted an exhibit listing a number of commitments, including that "in the event of the applied-for wells are [sic] licensed, West Energy will construct a permanent egress route."

After carefully considering all of the evidence, the Board conditionally approved the wells in *Decision 2007-061*. The conditions placed on the approvals included a number of emergency response planning measures that were required to be completed prior to licensing of the wells and drilling into the critical sour zone. One of the conditions was that the new egress road committed to by West must be constructed prior to the commencement of drilling the first well.

On September 24, 2007, Behr Energy Services Ltd., on behalf of West, submitted a letter to the EUB proposing a route different from the original road referred to in *Decision 2007-061*. The Board requested a further explanation from West as to why it was proposing a new route.

On September 28, 2007, West submitted that it entered into a road construction agreement in October 2006 with the County to construct the original road to county specifications. Subsequently, in January 2007, West signed an amended agreement with the County for the original road to reflect that after construction of the original road, the County would maintain it. West stated that at the time of signing, it was not aware that the road specifications in the agreement had changed. West explained that in early September 2007, when preparing to construct the original road, West realized that the new specifications would require an additional easement from Alberta Sustainable Resource Development to be able to construct the road to the amended county standards. West stated that it was told by the County that approval of the

easement would take about six months. West explained that it started to explore other routing options for the road, as the six-month delay would prevent West from drilling the wells in the fall of 2007.

During the course of its emergency response planning reconsultation (conducted after the hearing), West identified an alternative egress route that would traverse private lands (the updated road). West submitted that the updated road would use existing Signalta Resources Limited and Penn West Petroleum Ltd. (Penn West) access roads, which would be upgraded and joined with a new portion constructed by West. In September 2007, West decided to enter into agreements with the appropriate parties to construct the updated road.

The EUB contacted the intervening parties to the original hearing, the RRCC, and the County to determine whether they had concerns about the updated road. The RRCC expressed concerns primarily related to safety. Accordingly, the Board decided to initiate a review hearing. On October 15, 2007, the Board was informed by West that the updated road had been constructed.

Under Section 39 of the *Energy Resources Conservation Act (ERCA)*, the Board may review, rescind, change, alter, or vary an order or direction made by it. Given the change in circumstances with regard to the original road and the RRCC's concerns, the Board initiated a proceeding to consider the proposed updated road.

The Board initially scheduled a public review hearing to be held in Drayton Valley, Alberta, on December 18, 2007. On November 23, 2007, the EUB received a request for rescheduling of the hearing from West and granted the request.

The Board held a public hearing in Drayton Valley, Alberta from March 4 to 6, 2008, before Presiding Board Member J. D. Dilay, P.Eng., Board Member G. J. Miller, and Acting Board Member J. G. Gilmour, LL.B.

On May 20, 2008, the Board issued *Decision 2008-040*.

Although on January 1, 2008, the *Alberta Energy and Utilities Board Act* was repealed, subsection 80(3) of the *Alberta Utilities Commission Act* provided that if a notice of hearing was issued prior to January 1, 2008, the EUB Board would complete the proceeding. In this case, the Notice of Hearing was issued on December 17, 2007; therefore, this hearing was continued as an EUB hearing.

## **1.2 Cost Claim**

On April 1, 2008, counsel for the RRCC filed a cost claim totaling \$60 581.02. On April 21, 2008, West submitted comments regarding the cost claim. On May 20, 2008, the RRCC submitted a response.

The Board considers the cost process to have closed on May 20, 2008.

## **2 VIEWS OF THE BOARD—AUTHORITY TO AWARD COSTS**

In determining local intervener costs, the Board is guided by its enabling legislation, in particular, by Section 28 of the *ERCA*, which reads as follows:

28(1) In this section, “local intervener” 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 intervener 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 *Energy Resources Conservation Board Rules of Practice* and to its Scale of Costs.

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

Section 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 KLIMEK LAW, BARRISTERS & SOLICITORS

The following table summarizes the legal fees and expenses claimed for Klimek Law.

Table 1. Fees and Expenses Claimed for Klimek Law

Counsel	Fees	Expenses	GST	Total
Klimek Law		\$1 665.54	\$64.01	\$1 729.55
Jennifer Klimek	\$29 162.50		\$1 458.12	\$30 620.62
Debbie Bishop	<u>\$6 552.00</u>		<u>\$327.60</u>	<u>\$6 879.60</u>
Total	<u>\$35 714.50</u>	<u>\$1 665.54</u>	<u>\$1 849.73</u>	<u>\$39 229.77</u>

#### 3.1 Views of West

West submitted that the cost claim submitted by counsel for the RRCC was in excess of advance funding sought and that no reason had been provided by counsel for the RRCC for this increase.

West noted that while the Notice of Hearing had not been issued until November 13, 2007, the Board had advised of the proceeding being initiated by way of letter dated October 14, 2007, and, as such, West submitted that it was reasonable for legal costs to be claimed from that date forward.

West also raised concerns about fees being claimed by counsel for time spent for the preparation of the RRCC’s advance intervener funding application, as well as the cost claim, and submitted that such costs do not belong in the cost claim since

[t]hey are administrative in nature and could easily have been prepared by RRCC counsel’s assistant and cannot therefore reasonably be considered to directly and necessarily related to the RRCC’s intervention.

Another issue raised by West was that the RRCC sought to support the duplicative cost of two legal counsel. West submitted that a single experienced counsel could have easily handled the preparation of six witnesses and 2.5 days of a hearing. West submitted that it was unnecessary for Ms. Bishop to be involved and suggested that the claim should be reduced accordingly.

West noted that the RRCC sought to recover costs of 21.5 hours for preparation of the RRCC's written submissions. West submitted that a portion of those hours should be reduced to account for the inclusion of evidence that was clearly not within the scope of the proceeding and as such was not reasonably or directly and necessarily related to the RRCC's intervention.

Additionally, West submitted that there should be a further reduction of 10 hours from the RRCC's legal cost claim, given late submissions and unnecessary motions that the Board made note of in *Energy Cost Order 2007-008*:

...the Board considers that the RRCC counsel could have been more efficient in the hearing through more focused cross examinations, **by avoiding late submissions, and by avoiding unnecessary motions** [emphasis added]

West also asked the Board to apply a cost reduction for travel time of counsel to one-third of what was being claimed, given the fact that some of those costs were incurred prior to October 14, 2007.

In summary, West submitted that the claim for counsel should be reduced by 49.8 hours and that the mileage claim should be reduced by a total of \$84.00, a total reduction of \$9772.35, including GST, bringing the claim for costs of Klimek Law to a total of \$29 457.42.

### 3.2 Views of the RRCC

The RRCC contended that the advance intervener cost process was not meant to establish what the actual costs of the hearing would be but to enable interveners to hire experts and counsel in advance of the hearing in order to participate. It was of the view that due to the circumstances of this hearing, more preparation than anticipated was required because

West Energy filed an insufficient submission that was not in accordance with the Notice of Hearing.

On the issue of costs for two counsel, the RRCC said that Ms. Bishop assisted in drafting written submissions, preparing witnesses for the hearing, and assisting with the organization of the RRCC at the hearing. Being junior counsel, Ms. Bishop had a much lower hourly rate than Ms. Klimek and was able to perform tasks more suitable for junior counsel. The RRCC therefore submitted that this use of junior counsel was efficient and ultimately decreased the costs incurred by the RRCC.

In response to West's comments regarding a suggested reduction from the 21.5 hours incurred for preparation of the RRCC's written submissions, the RRCC submitted that it was unreasonable for West to expect the RRCC to predict the course of the proceedings and only tender evidence that the panel would find relevant.

As such, the RRCC submitted that this matter should only be dealt with once the Board had given its written decision on the hearing, wherein it made a determination as to whether or not evidence represented by the RRCC was in fact relevant.

With respect to the submission by West that counsel for the RRCC should further reduce their account by 10 hours, in accordance with the guidelines of *Directive 031A: Guidelines for Energy Cost Claims*, for time and legal fees spent in preparing the advance funding application and the cost claim, the RRCC submitted that

A process which does not allow them to recover their costs to respond to Mr. Langen's 20 page letter and also requires them to pay counsel to put in funding requests both in advance and after the hearing is unfair. The RRCC is a group of a large number of clients. It became necessary for counsel to take over the task of preparing and submitting the cost claim of the RRCC and its experts.

The RRCC submitted that this was a special case with many clients. It requested that the Board use its discretion in this matter and not deduct the time allotted from the RRCC's cost claim for the preparation of the advance intervener funding application and the cost claim submission, as suggested by West.

### 3.3 Views of the Board

The Board's usual practice (there are exceptions) is to acknowledge only those costs incurred after the EUB has issued a Notice of Hearing. It is generally the Board's position that until a Notice of Hearing has been issued, there is no certainty that a hearing will be held. The EUB finds that in many cases the prenotice interactions between interveners and applicants relate to compensation matters and not public interest issues. If a party wishes the Board to make an exception to this general practice, the party's cost submission must provide justification as to why it was reasonable for the party to have thought the Board would hold a hearing. The Board notes that the fact that a hearing was imminent was apparent to the interveners following the Board letter dated October 14, 2007. Therefore, the Board is of the view that it is reasonable to approve costs incurred from October 14, 2007 forward. The Board will therefore reduce the cost claim by 5.9 hours, which will be deducted from Ms. Klimek's fees, for a total reduction of \$1475.00 plus GST.

With respect to costs incurred as a result of preparing and filing the advance funding application and cost claim, the Board recognizes the following from Section 5.1 of *Directive 031A*:

Some examples of costs that might not be considered reasonable include

...

- costs relating to the preparation of the claim for an award of costs by local interveners.

It is the Board's view that costs incurred for these types of activities are incurred after the record for the hearing has closed and are not directly and necessarily related to assisting the Board with understanding the issues raised at the hearing.

For the reasons foregoing, the Board will not award costs that are directly related to the preparation and administration of an intervener's cost claim. Therefore, the cost claim submitted by Ms. Bishop for legal fees will be reduced by 3.4 hours, which is a total reduction of \$476.00 plus GST in relation to fees for preparation and filing the advance funding and cost claims.

The Board does not generally award costs for attendance of two counsel at a hearing. Only in exceptional circumstances, such as when issues and the intervention are complex, will the Board find it necessary for two counsel to have been involved in the preparation and attendance of a hearing. With respect to Ms. Bishop, it is the Board's view that her role was primarily to assist Ms. Klimek with the organization of the RRCC. Although Ms. Bishop is junior counsel, the

Board does not believe that the intervention was so complex that assistance for Ms. Klimek during lengthy meetings with clients and the hearing was necessary in this instance. Accordingly, the Board will disallow 25.5 hours of Ms. Bishop's time related to lengthy client meetings and hearing attendance, which is a total reduction of \$3570.00 plus GST.

The Board notes that 21.5 hours were claimed for the preparation of the intervener's submission and for consultation with the interveners regarding the submission. The Board is of the view that the submission filed dealt with some issues that were not directly relevant to the hearing. The Board finds it appropriate to reduce the time awarded for preparation of the intervener's submission by two hours for Ms. Klimek and two hours for Ms. Bishop, for a total reduction of \$780.00 plus GST.

With respect to West's submission that the legal fees claimed by counsel for the RRCC should be further reduced by 10 hours, given the fact that there were late submissions and unnecessary motions, the Board is concerned about the late provision of information and the motion that was brought the day prior to the hearing. Notwithstanding its concern, the Board will not reduce the intervener's costs in this instance for these matters.

With respect to travel time, the Scale of Costs provides that the Board will allow professionals half of their hourly rate for travel time. The Board notes that counsel for the RRCC states that they have already deducted half of their travel time or have only charged travel one way to Drayton Valley. The Board will therefore allow the travel time set out, with the exception of Ms. Bishop's travel time, which has already been deducted. In addition, the Board also notes that in the future travel time will have to be broken down separately by counsel on the forms submitted for cost claims to make it more distinguishable.

## **4 DOUG MCCUTCHEON AND ASSOCIATES CONSULTING**

### **4.1 Views of West**

West submitted that the costs associated with Mr. McCutcheon's involvement should be reduced because Mr. McCutcheon's evidence and participation were not entirely directly and necessarily related to the proceeding and did not contribute a better understanding of the issues to the Board. Specifically, West submitted the following:

1. Mr. McCutcheon's written evidence was 2.5 pages in length and the majority of it:
  - a. addressed issues/matters outside of his area of expertise as either expressly admitted to in evidence itself or as determined during cross-examination;
  - b. addressed issues/matters not related to the Proceeding itself.

Additionally, a large portion of Mr. McCutcheon's written evidence was related primarily to emergency response planning during the operational phase of the two wells, which was not a matter before the original proceeding, and very little spoke to drilling and completions.

Based on the above, West submitted that Mr. McCutcheon's claim should be reduced by 35 per cent.

West also took issue with Mr. McCutcheon's mileage claim being 270 kilometres (km) at \$0.49/km, for a total of \$132.30. West suggested a reduction in accordance with the Scale of Costs to allow for only \$0.30/km, bringing the total amount for mileage to \$81.00.

## 4.2 Views of the RRCC

The RRCC did not respond to West's comments regarding Mr. McCutcheon's participation or travel time.

## 4.3 Views of the Board

The Board agrees that some of Mr. McCutcheon's evidence was not entirely relevant to the matters at issue in the proceeding. It is prepared to reduce the fees awarded to Mr. McCutcheon by 20 per cent, which reduces his cost claim by \$882.00 plus GST.

With respect to Mr. McCutcheon's travel expenses, the Board is not prepared to depart from the Scale of Costs, which provides for \$0.30/km. Therefore, the Board reduces the mileage claim submitted by Mr. McCutcheon by \$51.30 to \$81.00.

The Board notes that the mileage rate provided for in *Directive 031A* is outdated, due to the increase in gas costs, and that it is currently under review.

## 5 RRCC MEMBERS

The following table summarizes the honoraria and expenses claimed by 21 RRCC members.

Table 2. RRCC Members' Requested Honoraria and Expenses

Category	Number of members	Total amount of claims
Preparation honoraria	20	\$7 100.00
Attendance honoraria	21	\$4 750.00
Forming a group	2	\$2 000.00
Expenses	21	\$2 738.45
<b>Total</b>		<b>\$16 588.45</b>

### 5.1 Views of West

West noted that the RRCC sought cost recovery for each member of the RRCC on an individual basis; however, West stated that it was clear that the RRCC conducted a group intervention. Accordingly, West suggested that cost awards should be made in the context of group participation rather than individual.

West noted that the RRCC was claiming costs for all 21 members, even though written evidence only involved 11 members and only 9 of those members filed written statements for the hearing. West also noted that only 13 members appeared at the hearing as witnesses and that 7 of those witnesses effectively were primary witnesses.

Based on the above, West submitted that only those RRCC members who acted as witnesses, namely, Christine Dodd, Barry Dodd, Daryle Schmidt, Debbie Schmidt, Sandra Dusterhoft, Terry Dingwall, Jim Kielbauch, Eileen Belva, Robert Mulligan, Lil Duperron, Gary Mastre, Louise Mastre, and Susan Kelly, should be entitled to honoraria, in accordance with *Directive 031A*, wherein \$50 for each half-day they gave evidence at the hearing should be awarded. West further submitted that due to the way the RRCC organized and conducted its case, those interveners who did not act as witnesses should not be awarded honoraria.

West provided comments with respect to certain expenses being claimed. West took issue with the \$40 per day for meals claimed by each member of the RRCC and suggested that a reduction to \$30 per day for meals would be more reasonable, since the hearing did not commence each day until 9:00 a.m. and many of the members lived close to where the hearing was held.

Additionally, West submitted that a number of the members of the RRCC were spouses and therefore it could be presumed that they either did or could have travelled to the hearing together, thereby reducing their mileage claims. In particular, West referred to the Kellys, Dodds, and Mastres. West suggested that mileage claims for those couples be adjusted accordingly.

West also noted that *Directive 031A* provided that one to four organizers may obtain honoraria between \$300 and \$500 in recognition of their efforts to form a group. West submitted that Ms. Kelly and Ms. Dodd were entitled to receive group organization honoraria in the amount of \$250.00 each.

## **5.2 Views of the RRCC**

The RRCC submitted the following:

That they attended the hearing, they made themselves available to answer questions and all of those individuals were cross examined by Mr. Langen. The RRCC submit that if West Energy had sought to meet, not only its commitments of building the egress road, but also the condition that was placed on its approval by the Board, this hearing would not have been necessary. If West had not sought a change in condition of their licence, the RRCC would not have had to take time off work to attend nor would they have had to incur the costs of meals, mileage, etc.

## **5.3 Views of the Board**

### **5.3.1 Honoraria Awards**

*Directive 031A* limits preparation and attendance honoraria awards for the interveners when they are represented by lawyers and experts. However, the Board does find it important to recognize that members of the RRCC endeavoured to understand the application and the EUB's processes, participated in preliminary meetings, prepared submissions, presented presentations, and participated at the hearing as witnesses.

Based on the views noted above, the Board exercises its discretion and recognizes the personal time and efforts of all members of the RRCC.

The Board notes that the following members of the RRCC were presented as witnesses during the hearing. For these individuals, the Board approves a \$200.00 preparation honorarium in recognition of their efforts in participating in preliminary meetings and participating in a witness panel:

- Daryle Schmidt and Debbie Schmidt
- Terry Dingwall
- Christine Dodd
- Jim Kielbauch
- Susan Kelly
- Robert Mulligan

With respect to Barry Dodd, Lil Duperron, Garry Mastre, Louise Mastre, Eileen Belva, and Sandra Dusterhoft, the Board approves a \$100.00 preparation honorarium for each individual in recognition of their efforts in participating in preliminary meetings and participating in a witness panel.

Regarding attendance honoraria for those who gave evidence, the Board understands the importance of the RRCC members attending the hearing and their efforts to be available when requested by the panel. The Board finds it appropriate to approve attendance honoraria of \$50.00 per half-day for attendance at the hearing.

In regard to the remaining members of the RRCC, namely, Linda McGinn, Dallas Kisser, Don Sullivan, Dianne Sullivan, Cory Dusterhoft, Laurel Dingwall, and Robert Domke, given the fact that they did not participate in a witness panel, the Board believes that an award of \$100.00 for preparation and attendance honoraria awarded to each individual is reasonable.

With respect to honoraria claimed for forming a group, Susan Kelly and Christine Dodd each claim \$1000.00. The Board recognizes that three members of the RRCC were previously awarded honoraria for the formation of a group in *Energy Cost Order 2007-008*. The Board finds that the group was formed and ready to proceed in connection with this hearing, and the Board therefore finds it appropriate to limit the honoraria associated with group organization to \$250.00 each for Ms. Kelly and Ms. Dodd for the additional efforts associated with this hearing.

The following table set out honoraria claimed by the RRCC and awarded by the Board.

Table 3. Board-Awarded Honoraria for RRCC Members

Name	Claim	Board-awarded honoraria		
		Preparation	Attendance	Total award
Susan Kelly	\$1 650.00	\$450.00	\$250.00	\$800.00
Russ Kelly	\$350.00	\$100.00	\$0.00	\$100.00
Christine Dodd	\$1 650.00	\$450.00	\$250.00	\$800.00
Barry Dodd	\$650.00	\$200.00	\$250.00	\$450.00
Linda McGinn	\$650.00	*\$100.00	\$0.00	\$100.00
Dallas Kisser	\$350.00	*\$100.00	\$0.00	\$100.00
Daryle Schmidt	\$650.00	\$200.00	\$250.00	\$450.00
Debbie Schmidt	\$650.00	\$200.00	\$250.00	\$450.00
Don Sullivan	\$350.00	*\$100.00	\$0.00	\$100.00
Dianne Sullivan	\$650.00	*\$100.00	\$0.00	\$100.00
Cory Dusterhoft	\$550.00	*\$100.00	\$0.00	\$100.00
Sandra Dusterhoft	\$650.00	\$100.00	\$250.00	\$350.00
Garry Mastre	\$650.00	\$100.00	\$250.00	\$350.00
Louise Mastre	\$650.00	\$100.00	\$250.00	\$350.00
Terry Dingwall	\$650.00	\$200.00	\$250.00	\$450.00
Laurel Dingwall	\$250.00	*\$100.00	\$0.00	\$100.00
Robert Domke	\$550.00	*\$100.00	\$0.00	\$100.00
Jim Kielbauch	\$550.00	\$200.00	\$150.00	\$450.00
Eileen Belva	\$550.00	\$100.00	\$150.00	\$350.00
Lil Duperron	\$550.00	\$100.00	\$150.00	\$350.00
Robert Mulligan	\$650.00	\$200.00	\$250.00	\$450.00
<b>Total</b>	<b>\$13 850.00</b>	<b>\$3 400.00</b>	<b>\$2 950.00</b>	<b>\$7 050.00</b>

\*Awarded for preparation and attendance.

### 5.3.2 Expenses

The Board has reviewed the expenses claimed. The Board notes that the majority of the members of the RRCC claim only for meals and mileage. The Board finds it appropriate for the RRCC to recover expenses of this nature. In relation to West's view that the amount claimed for meals should be reduced from \$40.00 per day to \$30.00 per day due to the start time of the hearing, the Board is of the view that the amounts claimed for meals by the members of the RRCC are within the Scale of Costs and therefore approves these expenses in full.

With respect to mileage, the Board has taken into account West's view that the Kellys, Dodds, and Mastres should have a combined mileage claim for each couple due to the fact that they either did or could have travelled to the hearing in the same vehicle. Therefore, the Board approves the mileage claimed by only one member of each couple.

The Board notes that Sandra Dusterhoft submitted a babysitting expense of \$150.00. The Board finds that this expense was apparently incurred while attending the hearing; therefore, the Board approves this expense in full.

With respect to Ms. Kelly's expenses, the Board finds that the expense claimed for photocopies of 145 pages at \$0.25/page does not fall within the Scale of Costs. The Board is of the view that this should be reduced accordingly to recognize the Scale of Costs. Therefore, the Board has reduced Ms. Kelly's expenses by \$21.75.

All other expenses not addressed above are approved in full.

The following table set out the expenses claimed by the RRCC and awarded by the Board.

**Table 4. Board-Awarded RRCC Expenses**

Name	Expenses claimed	Reductions	Approved expenses
Susan Kelly	\$267.45	(\$21.75)	\$245.70
Russ Kelly	\$151.50	\$0.00	\$131.50
Christine Dodd	\$131.50	\$0.00	\$131.50
Barry Dodd	\$131.50	\$0.00	\$131.50
Linda McGinn	\$131.50	\$0.00	\$131.50
Dallas Kisser	\$131.50	\$0.00	\$131.50
Daryle Schmidt	\$131.50	\$0.00	\$131.50
Debbie Schmidt	\$81.00	\$0.00	\$81.00
Don Sullivan	\$50.50	\$0.00	\$50.50
Dianne Sullivan	\$40.00	\$0.00	\$40.00
Cory Dusterhoft	\$81.00	\$0.00	\$81.00
Sandra Dusterhoft	\$281.50	\$0.00	\$281.50
Garry Mastre	\$131.50	\$0.00	\$131.50
Louise Mastre	\$131.50	\$0.00	\$131.50
Terry Dingwall	\$131.50	\$0.00	\$131.50
Laurel Dingwall	\$100.00	\$0.00	\$100.00
Robert Domke	\$131.50	\$0.00	\$131.50
Jim Kielbauch	\$81.00	\$0.00	\$81.00
Eileen Belva	\$118.00	\$0.00	\$118.00
Lil Duperron	\$151.50	\$0.00	\$151.50
Robert Mulligan	\$151.50	\$0.00	\$151.50
<b>Total</b>	<b>\$2 738.45</b>	<b>(\$21.75)</b>	<b>\$2 716.70</b>

## **6 ORDER**

It is hereby ordered that

- 1) The Board approves intervener costs in the amount of \$30 945.82.
- 2) Payment shall be made to Klimek Law, 240, 4808 – 87 Street, Edmonton, Alberta T6E 5W3.

Dated in Calgary, Alberta, on September 5, 2008.

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

*“Original Signed by J. D. Dilay, P.Eng.”*

J. D. Dilay, P.Eng.  
Presiding Board Member

**APPENDIX A                      SUMMARY OF COSTS CLAIMED AND AWARDED**



Appendix A