

Bulletin 2024-02

February 14, 2024

Amendments to AUC Rule 022: Rules on Costs in Utility Rates Proceedings and Rule 009: Rules on Local Intervener Costs

The Alberta Utilities Commission (AUC) has amended [Rule 022: Rules on Costs in Utility Rates Proceedings](#), including updates to the scale of costs, which governs the recovery of the costs of participating in rates proceedings before the AUC.

The AUC has also amended [Rule 009: Rules on Local Intervener Costs](#) to include an updated scale of costs and new application forms.

The amendments to rules 009 and 022 come into force on **March 1, 2024**, and will apply to all rates and facilities proceedings commenced on or after that date.

Major changes to Rule 022 include:

- Expanded eligibility for cost recovery.
- New, streamlined application forms.
- An updated scale of costs.

The AUC thanks all stakeholders who participated in the AUC's engagement on these amendments. The feedback received was valuable and helped shape the final amendments.

Expanded eligibility for cost recovery

Two categories of participants are eligible for full cost recovery under the amended Rule 022: applicants and eligible interveners. Based on the feedback received, the AUC decided not to implement uniform incentive-based cost recovery for utilities, regulated rate and default service providers.

Rural electrification associations, municipalities and other previously ineligible participants may also qualify for partial cost recovery in circumstances where they intend to file expert or other evidence or argument that will assist the AUC in understanding issues material to the subject proceeding but would not, in the absence of partial cost recovery, otherwise be presented to the AUC.

The AUC may direct participants seeking to recover the costs of participation, including applicants, to complete a cost eligibility form at the outset of a proceeding. The form gathers information about the participant, the issues it intends to address, and the professionals it intends

to hire to assist with its participation. In circumstances where the AUC directs parties to file a cost eligibility form, the AUC may also award advance funding.

Another material change is that cost recovery will be available for certain pre-application or pre-inquiry processes connected to rates proceedings, including settlements.

Streamlined application forms

The AUC has created new, streamlined application forms for rules 009 and 022. These forms can be filled out electronically and submitted through the [eFiling System](#) as a cost application. The forms ensure that all cost applications will be consistent and eliminate previous requirements, such as the need to file an affidavit in support of the claim. A new Excel spreadsheet has also been created to simplify the calculation of each claimant's total cost claim.

Updated scale of costs

The scale of costs for rules 009 and 022 has been updated to reflect increased hourly rates for lawyers, consultants, and experts. Other changes include an updated and simplified approach to travel expenses, as well as the elimination of the requirement to file receipts for some expenses including transcripts, meals, taxis, and parking.

The amended rule also contemplates awarding costs greater than the scale of costs in limited circumstances.

Changes to AUC Rule 009: *Rules on Local Intervener Costs*

The AUC has updated the scale of costs for Rule 009 to align with the scale of costs for Rule 022 and to extend the availability of travel expenses to site visits in addition to hearing attendance. Rule 009 has also been slightly modified to refer to a new cost application form. The AUC has made no other substantive changes to Rule 009; however, the AUC is intending to commence stakeholder engagement on more wholesale changes later in 2024.

Transition

The amendments to rules 009 and 022, including the application of the updated scales of costs, will apply to rates and facilities proceedings registered on or after March 1, 2024. For clarity, the amendments will apply to originating rates and facilities proceedings that have an “Application registered” date in the eFiling System of March 1, 2024, or later.

Both versions of each rule will be available on the AUC’s website during the transition period. To confirm which version of the rule applies to your participation in a specific rates or facilities proceeding, contact Debra Hoffman at debra.hoffman@auc.ab.ca or Kellie Benoche at kellie.benoche@auc.ab.ca.

Potential information session

The AUC may host a virtual information session to walk through the major changes to the two rules, the application forms, and the cost eligibility process. To express an interest in such a session, stakeholders may contact Debra Hoffman at debra.hoffman@auc.ab.ca by February 26, 2024.

Any questions related to this bulletin should be directed to JP Mousseau at jp.mousseau@auc.ab.ca.

Alberta Utilities Commission