



INTERVENOR COSTS PAYMENT GUIDE

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Introduction

1. The purpose of this *Guide* is to set forth a framework for costs that the Régie may pay or order a distributor to pay pursuant to section 36 of the *Act respecting the Régie de l'énergie*¹ (the Act) and in compliance with the *Rules of Procedure*² (the Rules).
2. This *Guide* does not limit the Régie's discretionary power to determine the usefulness or relevance of the participation by intervenors in its deliberations and whether the costs incurred are reasonable and necessary.

Definitions

3. In this *Guide* and the attached schedules, the words and expressions below shall have the following meanings:
 - a) **Analyst:** a professional who, within the framework of a hearing, assists an intervenor with an analysis of the issues to be debated;
 - b) **Co-ordinator:** a resource person who co-ordinates work and relationships among groups participating in the hearing;
 - c) **Costs:** professional fees and related expenses incurred by an intervenor;
 - d) **Hearing day:** includes technical meetings, pre-hearing conferences, meetings of a working group created by the Régie and the days spent on a negotiated agreement process;
 - e) **Preparation day:** equivalent to eight hours of working time;
 - f) **Claimant:** any person for whom the intervenor is claiming costs;
 - g) **Expert witness:** a person recognized as an expert by the Régie by demonstrating that he/she has acquired specialized knowledge of the issues to be debated;

¹ L.R.Q. c.R-6.01

² Rules of Procedure of the Régie, (1998) 7 G.O. II, 1244 and s. (section 26).

Applications to intervene

4. Applications to intervene are filed by interested parties pursuant to section 8 of the Rules of Procedure. The Régie reviews the applications, taking into account the following elements:
 - a) the interested party's actual interest in the matter;
 - b) the manner in which the interested party is directly affected by the outcomes of the matter;
 - c) the interested party's ability to provide the Régie with new information on essential matters to be debated.
5. Groups must submit a letter to the Secretary of the Régie, annually or when a new group is formed, describing the group's interest in intervening before the Régie and authorizing the intervenor to represent the group.
6. All intervenors, whether or not members of a group, must provide the Secretary of the Régie with a letter proving their status as a representative. Such letter must be submitted annually or subsequent to any change.

Estimated budget

7. When an interested party is planning to submit a claim for costs to the Régie, an estimated budget must be included with the application to intervene, using the form shown in Schedule B (worksheet 1 of 6) and take into account not only the standards and scales used in this *Guide*, but also, where necessary, estimates made by the Régie as to the duration of the hearing and the preparation time required to study the application.
8. When rendering a decision on applications to intervene, the Régie may provide a new estimate of the number of hearing days. The Régie may inform intervenors of the standard it intends to apply for expert witnesses and analysts and the total number of preparation days that may be reimbursed with respect to their fees. Intervenors may also revise their estimated budgets within a timeframe established by the Régie in the event that the new parameters result in significant changes.

Prior costs

9. The Régie may award a maximum amount for prior costs not to exceed 20% of an intervenor's estimated budget.

Criteria for reviewing claims for costs

10. The Régie reviews the claim costs, taking into account the usefulness and relevance of the intervention and whether the costs incurred are necessary and reasonable.
11. The Régie determines the usefulness and relevance of an intervention based on the following criteria:
 - a) the intervention constitutes evidence used for the Régie's deliberations;
 - b) the intervention provides the Régie with information on essential matters to be debated;
 - c) the intervention is limited to the scope of the debate;
 - d) the intervention in the hearing does not duplicate that of other intervenors;
 - e) the intervention is not used to support the development of the intervenor's expertise or that of its representatives;
 - f) the intervention is not for the sole purpose of the intervenor's personal or business interests.

For claims submitted by groups as defined in section 36(3) of the Act, the Régie also determines whether the public interest justifies the claim.

12. To determine whether the costs incurred by an intervenor are necessary and reasonable, the Régie takes into account the following factors:
 - a) the extent and implications of the application;
 - b) the nature of the intervenor's participation;
 - c) the degree of complexity of the matters covered by the intervention;
 - d) the number of intervenors;
 - e) the duration of the hearing;
 - f) the claimant's experience and whether interventions duplicate each other.

Claims for costs

13. Intervenors must submit the *statement of costs of participating in a hearing* provided for in the Rules of Procedure, and the itemized statements attached hereto (worksheets 2 to 6). Claims for costs must also be accompanied by an affidavit signed by the intervenor or its representative attesting to the accuracy of the amounts claimed.
14. In the claim, the intervenor must explain any variances between the claim and the estimated budget that exceed 10%.

Allowable costs

15. Generally, the allowable period for preparation time begins on the date of the Régie's first procedural decision and ends on the date deliberations begin.
16. The Régie does not award costs for time worked by the intervenor's support staff, administrative staff, directors and administrators to prepare the file and their participation at the hearing.
17. The intervenor must keep for one year a time log for all persons whose work is part of the claim for costs and must submit the log at the Régie's request. Time logs must show the following information at a minimum: the date on which the work was done, the time devoted to the work, a brief description of the work and the hourly rate.

Legal fees

18. Legal fees are paid according to to the scales provided for in Schedule A.
19. The number of preparation days paid for such fees is, unless otherwise indicated by the Régie, based on a ratio of two preparation days for each hearing day.
20. The hearing hours claimed must correspond only to the actual number of hours spent in the hearing, excluding any meal breaks. Fees for one attorney will be paid for each hearing hour.

Expert witness and analyst fees

21. The daily rate shown in Schedule A is paid for those hearing days at which the expert witness either gave testimony or assisted the intervenor when the matter addressed at the hearing was of the same nature as that of the expert witness' testimony.
22. The number of hearing hours claimed for analysts must correspond to the actual number of hours spent in the hearing, excluding any meal breaks.

23. Preparation time reimbursed for expert witnesses and analysts is shown in a joint budget. It is based on the Régie's estimates, taking into account the scales provided for in Schedule A. However, if the Régie has not provided an estimate, the maximum preparation time allowable for reimbursement purposes cannot exceed 50% of the period of time defined in paragraph 15.

Co-ordinator fees

24. Fees for co-ordinating groups participating in a hearing are reimbursed. The Régie assesses the fees submitted to determine whether they are necessary and reasonable, specifically taking into account the number of groups and the intervenor's total costs.
25. The number of hearing hours claimed for co-ordinators must correspond to the actual number of hours spent in the hearing, excluding any meal breaks.

Allowable expenses

26. Any expenses incurred by an intervenor are reimbursed to a maximum amount equivalent to 5% of the approved fees, excluding taxes. This maximum is increased to 6% for groups who participate at a hearing.

The intervenor must keep all supporting documentation for a minimum of one year and produce such supporting documentation at the request of the Régie.

27. The following are excluded from this maximum for intervenors who must travel to hearings located over 100 kilometres from their customary place of work: meals, accommodation and transportation.

Payment of transportation expenses is based on the most economic means of travel under the circumstances. Airplane and train tickets are reimbursed at the most economical rates.

28. Also excluded from the allowable maximum are translation expenses incurred by an intervenor that the Régie deems useful.
29. Authorized expenses for accommodation, meals, translation and automobile travel are reimbursed according to the standards shown in Schedule A.

30. The intervenor must submit receipts for all translation, accommodation and transportation expenses for which the intervenor is requesting reimbursement. If accommodation is in a private residence, a statement from the claimant must be submitted, showing the name and address of the person providing the accommodation.
31. Receipts must be clearly photocopied on numbered pages with a different set of pages for each claimant.

Taxes

32. On January 31 of each year, intervenors must file with the Régie a confirmation of their tax status issued by the responsible authorities and stating that the intervenor is entitled to a rebate for the Goods and Services Tax (GST) and Quebec Sales Tax (QST) for its activities before the Régie, the percentage of the rebate and details on eligibility for the rebate. Intervenors must inform the Régie of any change in their tax status as soon as such change takes effect.
33. Where taxes have not been rebated by the tax authorities, the Régie reimburses taxes paid by intervenors on fees and expenses approved by the Régie. These amounts are additional to the prescribed maximum allowable amounts.

SCHEDULE A

RATES AND SCALES APPLICABLE TO CLAIMS FOR COSTS

Schedule A

SCHEDULE A

RATES AND SCALES APPLICABLE TO CLAIMS FOR COSTS

Fees	Experience (Years of practice)	Maximum external Rates (\$/hour)	Maximum internal rates * (\$/hour)
<i>Legal personnel</i>			
Senior lawyer	15 and over	200	100
Intermediate lawyer	6 to 14	150	75
Junior lawyer	5 and under	100	50
Articling student	-----	50	25
<i>Expert witnesses</i>			
Preparation		200	
Hearing		1500/day maximum	
<i>Analysts</i>			
		100	60
<i>Co-ordinators</i>			
		50	30

* Rates for persons who are employees of the intervenor.

Expenses **	
Translation	\$0.20 / word
Automobile transportation Train, airplane, bus	\$0.34 / km Economy class
Accommodation	\$105.00 / night – Island of Montreal \$96.00 / night - Communauté urbaine de Québec \$87.00 / night - Laval, Hull, Longueuil, Lac Beauport, Lac Delage \$72.00 / night – Elsewhere in Quebec
Private accommodation	\$19.15 / night
Meals (fixed allocation)	\$40.00 / day

** Expenses allowed by the Régie are based on the standards applicable in the Quebec public service.

SCHEDULE B

FORMS

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