



Highpine Oil & Gas Limited

Applications for Three Well Licences
Pembina Field, Tomahawk Area

Cost Awards

April 2, 2009

ENERGY RESOURCES CONSERVATION BOARD

Energy Cost Order 2009-004: Highpine Oil & Gas Limited, Applications for Three Well Licences,
Pembina Field, Tomahawk Area

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CONTENTS

1	Introduction.....	1
1.1	Background.....	1
1.2	Cost Claims	1
2	Views of the Board—Authority to Award Costs	2
3	Parkland School Division 70	3
3.1	Reynolds Mirth Richards & Farmer LLP.....	4
3.1.1	Views of Highpine.....	4
3.1.2	Views of PSD70	4
3.1.3	Views of the Board.....	4
3.2	Dr. Harold Hoffman	5
3.2.1	Views of Highpine.....	5
3.2.2	Views of PSD70	6
3.2.3	Views of the Board.....	6
3.3	AN-GEO Environmental Consultants	6
3.3.1	Views of Highpine.....	6
3.3.2	Views of PSD70	7
3.3.3	Views of the Board.....	7
4	Concerned Citizens of Rural Tomahawk.....	8
4.1	Klimek Law	8
4.1.1	Views of Highpine.....	8
4.1.2	Views of CCORT	9
4.1.3	Views of the Board.....	10
4.2	Gettel Appraisals	10
4.2.1	Views of Highpine.....	10
4.2.2	Views of CCORT	11
4.2.3	Views of the Board.....	11
4.3	Dr. Richard Kennedy.....	11
4.3.1	Views of Highpine.....	11
4.3.2	Views of CCORT	12
4.3.3	Views of the Board.....	12
4.4	Dr. Sheldon Roth.....	12
4.4.1	Views of Highpine.....	12
4.4.2	Views of CCORT	12
4.4.3	Views of the Board.....	13
4.5	Dr. Shuming Du.....	13
4.5.1	Views of Highpine.....	13
4.5.2	Views of CCORT	13
4.5.3	Views of the Board.....	14
4.6	Honoraria for CCORT Members.....	14
4.6.1	Views of Highpine.....	14
4.6.2	Views of CCORT	15
4.6.3	Views of the Board.....	15
5	Individual Interveners and Parkland County	16
5.1	Wilson Law Office	16

5.1.1	Views of Highpine.....	16
5.1.2	Views of the Individual Interveners and the County.....	16
5.1.3	Views of the Board.....	17
5.2	Parkland County.....	18
5.2.1	Views of the Board.....	18
5.3	Dr. Shuming Du.....	19
5.3.1	Views of Highpine.....	19
5.3.2	Views of the Individual Interveners and the County.....	19
5.3.3	Views of the Board.....	19
5.4	Honoraria.....	19
5.4.1	Views of Highpine.....	20
5.4.2	Views of the Individual Interveners.....	20
5.4.3	Views of the Board.....	20
6	Order.....	21
Appendix A	Summary of Costs Claimed and Awarded.....	22

ENERGY RESOURCES CONSERVATION BOARD

Calgary Alberta

**HIGHPINE OIL & GAS LIMITED
APPLICATIONS FOR THREE WELL LICENCES
PEMBINA FIELD, TOMAHAWK AREA**

**Energy Cost Order 2009-004
Applications No. 1520574, 1521704,
1521626, and 1525497
Cost Application No. 1593300**

1 INTRODUCTION

1.1 Background

Highpine Oil & Gas Limited (Highpine) applied to the Energy Resources Conservation Board (ERCB/Board), pursuant to Section 2.020 of the *Oil and Gas Conservation Regulations*, for three critical sour well licences at surface locations in Legal Subdivision (LSD) 1, Section 16, Township 51, Range 6, West of the 5th Meridian (the 1-16 well), LSD 7-17-51-6W5M, with a bottomhole location at 9-17-51-6W5M (the 9-17 well), and LSD 8-25-51-6W5M (the 8-25 well). The purpose of the proposed wells is to produce crude oil from the Nisku Formation.

Interventions were filed by Parkland County, Parkland School Division 70 (PSD70), and a number of community members who reside within one or more of the emergency planning zones (EPZs) related to the application. Some of the community members formed a group called the Concerned Citizens of Rural Tomahawk (CCORT). Two other community members were parents with children in the Tomahawk School and were involved with the school parent council.

The Board held a public hearing in Tomahawk, Alberta, before Board Members B. T. McManus, Q.C. (Presiding Member), G. Eynon, P.Geol., and Acting Board Member W. A. Warren, P.Eng. Site visits, which included the school grounds, were conducted by the panel on September 22, 2008, the afternoon prior to the hearing. The hearing commenced on September 23, 2008, and concluded on October 3, 2008.

The main concerns expressed by the intervening parties were regarding public safety; the proximity of the wells to the Tomahawk School, the Hamlet of Tomahawk, and its fire station; the adequacy of equipment design; the adequacy of emergency response plans (ERPs) for both drilling and production; natural gas flaring; human health; the adequacy of consultation; animal health and compensation; and property values.

The Board also heard concerns from several members of the broader community in the form of oral statements.

On December 30, 2008, the Board issued *Decision 2008-135* with respect to the applications.

1.2 Cost Claims

On October 31, 2008, counsel for PSD70 filed a cost claim totalling \$197 292.70. On November 17, 2008, Highpine submitted comments regarding the cost claim. On December 11, 2008, counsel for PSD70 submitted a response.

On November 3, 2008, counsel for two individual interveners and Parkland County filed a cost claim totalling \$126 659.09. On November 18, 2008, Highpine submitted comments regarding the cost claim. On November 25, 2008, counsel for the individual interveners and Parkland County submitted a response.

On November 6, 2008, counsel for CCORT filed a cost claim totalling \$116 090.93. On November 28, 2008, Highpine submitted comments regarding the cost claim. On December 12, 2008, counsel for CCORT submitted a response.

On March 11, 2009, counsel for two individual interveners and Parkland County provided an executed copy of an affidavit of fees and disbursements.

The Board considers the cost process to have closed on March 11, 2009.

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 *Energy Resources Conservation Act (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.

(2) On the claim of a local intervener or on the Board’s own motion, the Board may, subject to terms and conditions it considers appropriate, make an award of costs to a local intervener.

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 application in question.

When assessing costs, the Board refers to Part 5 of the *Energy Resources Conservation Board Rules of Practice* and Appendix D: *Scale of Costs* in *ERCB Directive 031A: Guidelines for Energy Costs Claims*.

Subsection 57(1) of the *Rules of Practice* states:

57(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.

In this hearing, there were two statutorily created bodies (PSD70 and Parkland County) with specific mandates granted to them by the legislature. In previous decisions, including *Energy Cost Order (ECO) 2005-14: Compton Petroleum Corporation* and *ECO 2007-001: Suncor*

Energy Inc., the Board refused to grant costs to such bodies, noting that the provisions of the *ERCA* are not intended to provide compensation for such bodies. In *ECO 2007-001*, the Board provided the rationale for this position:

In the Board's view, the requirement in subsection 28(1) of the *ERCA* that a local intervener have an interest in land or an entitlement to occupy land indicates that the Legislature intended that local intervener costs would compensate persons who have the potential to be impacted by development in a way that is different from impacts on other individuals or the general public. The element that distinguishes a local intervener from members of the general public is that he or she has a particular right in or to land that will be direct and adversely affected. That right may not be unique to the local intervener, but the Board would not expect it would be a right or entitlement that is widely held. The Board is supported by this view by the Legislature's decision to define an eligible cost claimant as a "local" intervener, consisting of a "person or a group or association of persons".

The history of the local intervener costs provisions of the *ERCA* also supports the Board's view that the Legislature intended to give the Board discretion to compensate persons who have or exercise a specific interest in particular lands, and not to compensate an extensive group of individuals who share a common or similar interest in a more broad expanse of land. Section 28 (originally section 31) was added to the *ERCA* in 1978. Hansard from that time states that the purpose of the provision was

...to help ensure that a resource development project before the ERCB does not place an unjust burden on local landowners, who to protect their interests, find it necessary to appear before the Board and place their position before the Board at some expense.

And

The principle in this bill is that the ERCB may be able to assist people that have a proprietary interest in lands or minerals and may have to appear before the Board in order to protect their interests and therefore expend certain moneys...

ECO 2007-001 also noted that the statutory bodies that participated in the hearing engaged in "...intervention...consistent with...statutory mandates to defend and advance the collective interests of the residents that [they] represent. That is not the kind of intervention that the Legislature intended the Board to compensate with an award of local intervener costs."¹

Notwithstanding the above, the Board retains the discretion to award costs to such statutory bodies.

3 PARKLAND SCHOOL DIVISION 70

PSD70 claimed legal fees and professional fees of \$183 579.50, expenses of \$4149.12, and GST of \$9564.58—a total claim of \$197 292.70.

PSD70 is a statutory body, and in this proceeding it was clearly intervening on behalf of the collective interests it represents. For the reasons outlined immediately above, PSD70 would not normally qualify for costs. However, the Board is always entitled to exercise its discretion and permit an award of costs, and in this instance it will allow a cost award to PSD70.

¹ *ECO 2007-001*, pages 10 and 11.

In making the decision to award costs to PSD70, it must be noted that the circumstances leading to the exercise of the Board's discretion are extraordinary. Highpine originally submitted 11 applications for sour gas wells in the vicinity of Tomahawk. Later, two of those applications were withdrawn. The Board made a decision to hear applications for six of those well applications in a proceeding that occurred in June and July 2008. The Board further determined that three well applications merited a separate hearing, because the EPZs for these wells included a rural school. The Board considered it critical that it receive comprehensive evidence regarding the Tomahawk School in order to arrive at a decision regarding these well applications. Accordingly, the Board specifically requested that PSD70 appear at the hearing and further requested that it produce a panel that would be capable of answering detailed questions regarding the school.

Given the above, the Board determined that a cost award is warranted in the particular circumstances of this case and examines the PSD70 claim for costs below.

3.1 Reynolds Mirth Richards & Farmer LLP

Reynolds Mirth Richards & Farmer LLP (RMRF) claimed a total of \$62 611.20 in professional fees and disbursements inclusive of GST. The majority of the professional fees claimed were for the services of Albert Lavergne, who claimed 157.60 hours for preparation, 36.00 hours for attendance at the hearing, and 39.20 hours for argument and reply, for a total of \$58 200.00 in professional fees. In addition, a junior lawyer with four years' experience claimed 3.80 hours of preparation time, for a total of \$532.00 in fees. RMRF claimed \$1602.42 in disbursements plus \$186.45 GST.

3.1.1 Views of Highpine

Highpine submitted that certain activities on the RMRF account appeared to be related to issues other than the hearing and that the time should therefore be reduced by 18.00 hours. Highpine also noted an amount of \$726.95 for photocopying and submitted that if these were duplicates of application materials already provided by Highpine, such costs should not be allowed. Finally, Highpine stated that since multiple counsel attended the proceeding, Mr. Lavergne's attendance was not required on three separate days and, therefore, there should be a reduction in time of 8.50 hours for each of these days.

3.1.2 Views of PSD70

In its reply submission, PSD70 agreed that 12.00 hours on the RMRF account were related to other matters and should be deducted from the fees claimed. It advised that the photocopying charge was related to its own materials required for the hearing and that there were not duplicates made of the Highpine application materials. Finally, PSD70 submitted that it was appropriate for Mr. Lavergne to be present at the hearing on the three days noted, given that he used the time to prepare argument and questions, review transcripts, and observe portions of the proceeding directly relevant to the concerns raised by his client.

3.1.3 Views of the Board

The Board agrees that 12.00 hours should be deducted from the RMRF account because certain tasks were not related to the hearing.

The Board notes that Highpine submitted that three additional days should be deducted, to account for the fact that there were multiple counsel representing interveners at the hearing. It made similar submissions with regard to the time for the other counsel.

When there are multiple counsel at a hearing, counsel are expected to cooperate in their submissions. If it is not necessary for all counsel to be in attendance on a particular day and counsel can reasonably monitor proceedings through a review of transcripts, they are encouraged to do so. However, in assessing whether such activities are reasonable, it is important to take a number of factors into account, which vary in different proceedings. These factors include whether counsel's clients are fully aligned in all respects and whether counsel's attendance would be useful should interlocutory matters arise. Additionally, practical and logistical factors should be considered in each case. These include the distance between the hearing venue and counsel's place of work, whether there are consecutive days when counsel do not need to be present, and whether there is a clear division of responsibility for evidentiary issues between counsel whereby cross-examination of certain parties by all counsel may not be necessary. When review of transcripts is necessary, one must also consider whether there will be time for such a review.

The Board generally expects counsel to take these matters into account when determining whether their attendance is necessary. In this instance, the Board accepts Mr. Lavergne's assessment that his attendance was necessary to protect his client's interests.

The Board observed inefficiencies in the work conducted for PSD70. This included a repetitive written submission to the Board, as well as repetition and inefficiencies in the direct examination of the PSD70 panel and the cross-examination of the Highpine panel. Such inefficiencies increased hearing time without enhancing the evidence presented to the Board. The Board therefore deducts 15 per cent of Mr. Lavergne's time to account for such inefficiencies.

Mr. Lavergne submitted a claim for 232.80 hours, minus 12.00 hours for time that was not properly billed to this file. The 15 per cent reduction results in a total of 187.70 hours for Mr. Lavergne and a payment of \$46 925.00 in professional fees plus \$2346.25 GST. The Board also approves \$1602.42 in disbursements and \$80.12 GST.

3.2 Dr. Harold Hoffman

PSD70 claimed \$19 750.00 in fees for Dr. Hoffman inclusive of GST. In addition, \$141.00 was claimed for Dr. Hoffman's disbursements.

3.2.1 Views of Highpine

Highpine submitted that the business kilometre rate appeared to have been calculated using \$0.50 per kilometre rather than \$0.30 per kilometre, as allowed by *Directive 031A*. Highpine also noted that there appeared to be a discrepancy between Dr. Hoffman's invoices and the amount claimed on Form E2: Summary of Professional Fees Claimed. Finally, Highpine submitted that Dr. Hoffman's account was excessive given that he provided a short report and his report consisted of factual material drawn from academic sources.

3.2.2 Views of PSD70

PSD70 submitted that Dr. Hoffman's accounts were reasonable and that the evidence that he provided was relevant and material to the proceedings.

3.2.3 Views of the Board

The Board accepts that the evidence provided by Dr. Hoffman was generally relevant and material to the proceedings. However, it notes that this evidence largely consisted of academic references regarding the health effects of exposure to varying levels of hydrogen sulphide (H₂S) and that such effects are well known and were not in dispute at the hearing. The Board therefore reduces Dr. Hoffman's fees by 50 per cent to \$9875.00 inclusive of GST and allows the claimed disbursements of \$141.00, for a total of \$10 016.00.

In making this award, the Board notes that there appeared to be a discrepancy between the amount claimed on Form E2 and Dr. Hoffman's invoices. The attached invoices for Dr. Hoffman total \$29 800.00 in fees, but only \$19 750.00 was claimed on Form E2. Parties are reminded to take care in calculating the amounts for Form E2, which is relied upon by the Board. The Board also notes that there was a claim for business kilometres at \$0.50 per km rather than \$0.30 per km and that there was also a disbursement of \$30.00 claimed for a car wash. Given the above, but in particular the nature of evidence presented at the hearing, the Board is of the view that a total cost award of \$10 016.00 is appropriate for Dr. Hoffman.

3.3 AN-GEO Environmental Consultants

PSD70 retained David Ho, of AN-GEO Environmental Consultants (AN-GEO), to act as an expert at the hearing. PSD70 claimed \$88 875.00 in fees for Dr. Ho. In addition, PSD70 claimed fees of \$12 285.00 for an individual named A. Dhital and \$3937.50 for secretarial time. With disbursements and expenses of \$2405.70 and GST of \$5497.95, the total claim for AN-GEO was \$113 001.16.

3.3.1 Views of Highpine

Highpine submitted that any amount paid to Dr. Ho and AN-GEO should be dramatically reduced. Highpine stated that Dr. Ho and AN-GEO

- failed to demonstrate that Dr. Ho had expertise in the area for which he provided an opinion,
- produced a report with significant inaccuracies,
- charged for work that appeared not to be related to the subject applications,
- produced a nine-page report with a small package of appendices and figures, for which he billed 382.00 hours,
- billed an additional 117.00 hours for an environmental scientist with no indication of what nature of services that person provided, and
- billed an additional 87.50 hours of secretarial time at \$45.00 per hour, while producing only the nine-page report.

Highpine also took issue with what it called an “unorthodox style of invoicing,” wherein hundreds of “tasks completed” were listed, with no indication of when they occurred or how much time it took to complete them. It further noted that a “Miscellaneous” amount of \$2200.00 was submitted by AN-GEO, with no details provided in support.

3.3.2 Views of PSD70

In response to Highpine’s submission, PSD70 advised that Dr. Ho needed to review 12 binders of materials submitted by Highpine. It further advised that a junior environmental scientist and secretary were required to assist Dr. Ho with his work. No detail was provided to support the miscellaneous disbursement claim for \$2200.00.

3.3.3 Views of the Board

The Board finds that Dr. Ho’s evidence did not assist in the understanding of matters relevant to the proceeding. Upon questioning, Dr. Ho admitted that he had no background in emergency response planning, and it was clear that he had either not reviewed or only performed a cursory review of Highpine’s ERPs. He had little familiarity with either version of *Directive 071: Emergency Preparedness and Response Requirements* discussed at the hearing. His lack of understanding of emergency response planning in general and of the ERPs related to these applications in particular made his evidence unhelpful and largely irrelevant.

The Board does not accept that Dr. Ho needed to review all 12 binders submitted by Highpine. If Dr. Ho had expertise in oil and gas applications and emergency response planning, he would have recognized the need to focus his review on the Highpine materials dealing with emergency response planning, human health, and air dispersion modelling.

Dr. Ho’s evidence dealt with an evaluation of the Tomahawk School for “sheltering in place.” He determined that the school was not adequate for such purposes and estimated that it would cost approximately \$500 000.00 to ensure that the gymnasium could be used for sheltering in place during an emergency.

It should have been clear to an expert witness familiar with the ERPs related to these applications and with the evidence related to potential H₂S releases in a production scenario that sheltering in place at the Tomahawk School would only be required if there were a nuisance odour from the wells. Highpine’s ERPs provide that if there were any possibility of a significant H₂S release reaching the school during drilling and completion operations, either the school would not be in session or buses would be on standby for evacuation purposes.

PSD70 should first have performed an evaluation of whether there would in fact be a need for sheltering in place at the school prior to expending significant monies on an expert to do an evaluation of the school. Monies would have been better spent on an expert who was capable of performing a thorough evaluation of the Highpine ERPs and providing constructive advice and criticism related to issues at the school. Such a thorough evaluation could have been done for a small fraction of the costs claimed by Dr. Ho.

The Board also makes note of the unacceptable format of Dr. Ho’s invoice, which provides no detail regarding when certain activities were undertaken and how much time was spent on each activity. This is not an acceptable form of invoice for a cost submission to the Board, particularly

for a claim totalling 599.50 hours for three individuals to prepare a nine-page report and appendices. Dr. Ho claimed 395.00 hours, citing a long list of “tasks completed,” with no indication of when they were performed or how much time was spent on each. A further claim for 117.00 hours for A. Dhital, with no detail of what that individual was doing for 117.00 hours, and 87.50 hours of secretarial time, for the preparation of a nine-page report, are both unacceptable. Similarly, “Miscellaneous” costs with no supporting documentation are not acceptable to the Board.

When local interveners hire experts at significant cost, they should attempt to ensure that the evidence provided will be relevant to the applications. In submitting cost claims to the Board, legal counsel and experts must also ensure that the supporting documentation provides significant detail regarding what tasks were completed and the time taken to complete them. Large invoices with no level of detail, particularly when accompanied by unhelpful oral evidence, will not result in a successful cost claim.

Given the above, the \$105 097.50 in fees submitted for AN-GEO is reduced to \$11 000.00 plus GST of \$550.00. The \$2200.00 in “Miscellaneous” disbursements, with no support, is deducted, leaving a total of \$205.70 in allowable disbursements plus GST of \$10.29. The total amount payable for AN-GEO’s services inclusive of GST and disbursements are \$11 765.99.

4 CONCERNED CITIZENS OF RURAL TOMAHAWK

CCORT submitted a cost claim of \$97 806.50 for legal and professional fees related to four experts. It submitted an additional claim for honoraria for members of CCORT and an individual witness of \$6610.00. Finally, CCORT submitted a claim for disbursements and expenses of \$6709.95. With GST, the total claimed by CCORT was \$116 090.93.

4.1 Klimek Law

Klimek Law was retained by the members of CCORT to assist them in their intervention. Jennifer Klimek and Debbie Bishop both acted on behalf of CCORT. Ms. Bishop coordinated experts and reviewed applications and expert reports, while Ms. Klimek managed the preparation of final submissions, attended the hearing, conducted cross-examination, and presented argument. Ms. Bishop also attended a portion of the hearing in order to examine expert witnesses.

Klimek Law claimed fees of \$52 564.00, expenses of \$4451.02, and GST of \$2771.75, for a total cost claim of \$59 786.77. The total time submitted for both Ms. Klimek and Ms. Bishop was 255.00 hours. Approximately 120.00 hours were incurred during the course of the hearing.

Klimek Law reduced the travel hours set out in its account by half in order to reflect the ERCB’s policy.

4.1.1 Views of Highpine

Highpine expressed concern about the costs claimed by Ms. Klimek and Ms. Bishop.

Highpine referred to Appendix D: *Scale of Costs in Directive 031A*, wherein it states:

The Board emphasizes that the maximum allowable hourly rates will not be awarded as a matter of course. Rather the Board will assess each claim upon its individual merits and will only approve the maximum fee when it has been demonstrated that such a charge is warranted by the work performed.

With regard to Ms. Bishop's hourly rate of \$140.00, Highpine noted that this is the maximum allowable for counsel one to four years at the bar. Given that Ms. Bishop was called to the bar on January 27, 2006, Highpine was of the view that Ms. Bishop should not receive an hourly rate at the maximum allowed in the *Scale of Costs*.

Highpine also took issue with the submission of costs in relation to questions of constitutional law. Highpine cited Section 5.1 of *Directive 031A*, wherein it states:

A reasonable submission for cost purposes would not include arguments about things not being considered or not related to the application; ... or arguments about government policy or legislative changes that should more properly be placed before the government or a Member of the Legislative Assembly.

Highpine noted that constitutional questions were not raised at the hearing and, therefore, a reduction must be made regarding the preparation of questions that offered nothing to the hearing.

Highpine submitted that the attendance of Ms. Klimek at the hearing on September 26 and October 2, 2008, was unnecessary, as Ms. Klimek could have reviewed the transcripts or communicated with other counsel. Highpine submitted that Ms. Klimek's claim should be reduced by \$4845.00 to reflect two days at 8.50 hours each of unnecessary attendance.

4.1.2 Views of CCORT

CCORT responded to Highpine's comment regarding the hourly rate of Ms. Bishop by referring to *ECO 2008-015: Highpine Energy Ltd.*, where this issue was previously addressed.

With respect to the argument regarding constitutional law being disallowed, CCORT noted that no additional time was claimed by Ms. Klimek to prepare a constitutional argument and only 0.50 hour was claimed for drafting the Notice of Constitutional Law. CCORT agreed to reduce its claim by 0.50 hour, equating to \$125.00 plus GST in the amount of \$6.25, to address this issue. CCORT also noted that 7.50 hours were billed to the file in error and that the total claim should be reduced by 8.00 hours, for a total of \$2100.00 inclusive of GST.

In response to the comment made by Highpine that Ms. Klimek's fees should be reduced for two hearing days because of other counsel being present for other parties, CCORT submitted that the Board had directed the intervening parties to work together and pool their experts. CCORT further submitted that it was necessary for Ms. Klimek to be present each day to hear the evidence of the other witnesses.

CCORT pointed out that the fees claimed by Klimek Law were substantially lower for this hearing than for similar past hearings because Klimek Law was conscious of the need to not duplicate efforts.

Based on the above, CCORT agreed to decrease its cost claim by 8.00 hours at \$250.00 per hour, thereby reducing this portion of the cost claim by \$2100.00 inclusive of GST.

4.1.3 Views of the Board

As noted earlier, the Board relies significantly on the professional judgement of counsel and does not question Ms. Klimek's assessment that her attendance at the hearing was necessary throughout.

With regard to the hourly rate of Ms. Bishop, the Board is of the view that the lower hourly rate in the tariff adequately accounts for any inefficiencies in Ms. Bishop's examination or cross-examination of witnesses.

The Board, therefore, allows the cost claim of Klimek Law, subject to the 8.00 hours deducted due to the question of constitutional law and invoicing error. The claim by Klimek Law is therefore reduced by \$2000 plus \$100 GST, for a total payment for legal fees and disbursements of \$57 686.77.

4.2 GETTEL APPRAISALS

Gettel Appraisals (Gettel) claimed fees of \$14 000.00, expenses of \$1176.00, and GST of \$758.80, for a total claim of \$15 934.80.

CCORT submitted that Gettel prepared a detailed report that was informative and relevant to the Tomahawk area with respect to the impact of sour gas on land values.

4.2.1 Views of Highpine

Highpine took issue with the report prepared, as well as the manner in which it was provided to the Board and counsel. Highpine submitted that the Gettel report was not helpful and that inconsistencies highlighted during cross-examination raised concerns about the reliability of Gettel's findings.

Highpine also noted the unusual circumstances surrounding the submission of the Gettel report. Highpine was not made aware of the Gettel report until late in the evening the day before Mr. Gettel gave evidence. Highpine argued that if the Board accepted the late submission of the Gettel report without a cost penalty, it would send a message to future interveners that late submission of expert reports is acceptable. Highpine therefore submitted that a reduction to the costs being claimed by Mr. Gettel was warranted.

Highpine also took issue with the time claimed by Mr. Gettel for October 1, 2008, because although he was present at the hearing, his evidence was not provided until the following day.

Highpine submitted that the cost claim for Gettel should be reduced by half and that an additional \$1250.00 should be deducted as a reduction for one day of attendance on October 1, 2008.

4.2.2 Views of CCORT

CCORT submitted that Mr. Gettel's costs were reasonable and that his report was well done. CCORT also noted that the Board accepted the Gettel report as evidence and heard evidence regarding the efforts to make the report available before the hearing. CCORT advised that Mr. Gettel was unable to prepare the report prior to the hearing because he did not have some information that was requested from the Board.

In response to the comment made by counsel for Highpine that the Board should send a message to future intervenor experts that filing a report late will result in a reduction of costs, CCORT submitted that this was an exceptional circumstance and that it would never suggest that experts withhold information. CCORT stated that it was pleased that the Board took all aspects of the situation into account and allowed the report to be filed late and submitted that CCORT should not be penalized for this.

4.2.3 Views of the Board

The Board notes that the CCORT expert report was filed at an exceedingly late stage in the proceedings. While the Board is concerned about the late filing of this expert report, it notes that it was advised that the expert required information from the ERCB before he could write his report. It is clear that there was no deliberate withholding of the expert report and that it was made available to all parties as soon as it was received. While the Board is not pleased with the late filing of the report, it does not consider it appropriate to make a significant deduction for late filing in this instance.

However, the Board notes that there were significant problems with the evidence presented by this expert. Ultimately, deficiencies in the Gettel report made any conclusions flowing from the report unreliable. The Board, therefore, reduces the fees by 30 per cent to account for such problems in the evidence presented. With expenses, the total award is therefore \$10 976.00 plus GST of \$548.80.

4.3 Dr. Richard Kennedy

Dr. Kennedy claimed fees of \$5187.50, expenses of \$355.80, and GST of \$277.17, for a total claim of \$5820.47.

CCORT submitted that Dr. Kennedy provided an informative presentation relevant to livestock owners and also provided evidence regarding the deficiencies of Highpine's livestock protocol.

4.3.1 Views of Highpine

Highpine submitted that the cost claim submitted by Dr. Kennedy should be disallowed entirely on the grounds that the report and evidence were neither relevant nor helpful.

Highpine submitted that Dr. Kennedy's evidence did not address issues before the Board at the hearing. Highpine pointed out that it did not present any evidence regarding animal health and that, therefore, Dr. Kennedy's evidence was not submitted as a response to evidence. Highpine further submitted that Dr. Kennedy's evidence was general in nature, did not contest Highpine's position, and did not appear to be specific to the applications at hand.

4.3.2 Views of CCORT

In response to Highpine's comments regarding the cost claim submitted by Dr. Kennedy, CCORT submitted that the purpose of a public hearing is to allow the public to present its evidence.

CCORT submitted that Dr. Kennedy presented evidence that past sour gas leaks had caused damage to ranching operations, as well as evidence regarding animal health investigation processes. The evidence was augmented by Linda Thurston, who told of her experiences with injured livestock exposed to sour gas.

CCORT submitted that the evidence provided by Dr. Kennedy was very relevant and felt that it was something the Board needed to consider when licensing new facilities near people and animals.

4.3.3 Views of the Board

Issues of animal health were clearly of importance to the interveners in the proceeding. While not all the evidence was entirely relevant to these applications, Dr. Kennedy provided information that was useful to the Board in understanding the concerns of the interveners and what would be needed to alleviate such concerns in the future. The evidence of Dr. Kennedy was useful in the Board's assessment and understanding of the Livestock Compensation Protocol that has been signed by Highpine and a local group representing agricultural operators. The claim of \$5820.47 is therefore allowed in full.

4.4 Dr. Sheldon Roth

Dr. Roth claimed a total of \$3375.00 for fees.

CCORT advised that Dr. Roth is an expert on sour gas and health effects. CCORT hired Dr. Roth to assist in providing an understanding of Dr. Don Davies's report. Dr. Roth was unable to attend the hearing, but provided advice to counsel on how to prepare for cross-examination and argument in relation to Dr. Davies's report.

4.4.1 Views of Highpine

Highpine submitted that it was not aware of Dr. Roth ever being retained and that the first time it heard of Dr. Roth was through the submission of his cost claim. Highpine noted that Dr. Roth researched and prepared a report that he submitted to counsel for CCORT, but this report was never provided by CCORT in the proceeding.

Highpine stated that since Dr. Roth's report was not submitted to counsel for Highpine or to the Board, it was unable to assess its usefulness. Highpine, therefore, submitted that the claim for Dr. Roth should be disallowed.

4.4.2 Views of CCORT

CCORT submitted that it and other community groups had great difficulty retaining experts because of uncertainties related to funding, timeframes, and conflicts. CCORT advised that after

requests to a number of professionals in the field of sour gas and health effects, Dr. Roth finally agreed to provide limited assistance.

Dr. Roth advised CCORT that he did not have time to attend a hearing or prepare a report, but that he would review Highpine's evidence on the matter and provide advice to counsel for CCORT.

CCORT noted that if the Board did not provide a cost award to Dr. Roth, the members of CCORT would be liable for the bill. CCORT submitted that its members should not be penalized because an expert could not attend the hearing as a result of other professional commitments.

4.4.3 Views of the Board

The Board is placed in an extremely difficult position when asked to approve invoices for experts for whom there is absolutely no evidence regarding the kind of services provided. If the Board had received an expert report or some other document to give an indication of the type and quality of services provided, it would be in a position to assess costs. Without such information, the Board has no choice but to disallow this claim for expert costs.

4.5 Dr. Shuming Du

Dr. Du claimed fees of \$22 680.00, expenses of \$416.70, and GST of \$1154.84, for a total cost claim of \$24 251.54.

Dr. Du is an air pollution specialist with the Planning and Technical Support Division of the California Air Resources Board. Dr. Du reviewed the flare permit application and the risk assessment provided by Highpine and gave evidence on air dispersion modelling.

4.5.1 Views of Highpine

Highpine noted that Dr. Du submitted a cost claim for 126.00 hours to prepare his evidence and maintained that this amount was excessive, considering that Dr. Du merely prepared a critique of the work done by Highpine's experts.

Highpine also took issue with the expense Dr. Du claimed for parking in the amount of \$146.30 and referred to *Directive 031A* and the *Scale of Costs*, where it states that parking charges are restricted to the hearing phase of the proceeding. Because parking in Tomahawk is free, Highpine questioned this parking charge.

Finally, Highpine noted that Dr. Du claimed \$205.40 for transcripts. Highpine submitted that this should be disallowed because Highpine paid for transcripts for each group of interveners.

4.5.2 Views of CCORT

With respect Dr. Du's expenses for parking and transcripts, CCORT noted that an error was made when entering the amounts onto the expense form. The \$146.30 claimed was for taxis, not for parking, and the \$205.40 was for a car rental. CCORT submitted that these costs were reasonable.

4.5.3 Views of the Board

Dr. Du's evidence was relevant and helpful to the Board in assessing these applications. His claim for costs are allowed in full.

4.6 HONORARIA FOR CCORT MEMBERS

The members of CCORT submitted a claim for honoraria totalling \$6910.00. This included a claim by Gwen Petrunia and Margaret Crowhurst of \$1500.00 each for forming a group. Mrs. Petrunia and Mrs. Crowhurst also attended the entire hearing, and therefore made claims for attendance of \$1000.00 and \$900.00 respectively. Finally, Mrs. Petrunia and Mrs. Crowhurst claimed \$400.00 and \$210.00 for preparation. Two other interveners also made claims of \$200.00 each for preparation and \$100.00 each for attendance. Finally, a group of interveners who appeared at a recent Highpine hearing claimed \$100.00 for attendance, but did not make any claim for preparation.

CCORT also claimed \$200.00 for attendance and \$158.40 for expenses for Linda Thurston, a witness for CCORT.

4.6.1 Views of Highpine

Highpine noted that in the CCORT submission, CCORT did not make reference to *Directive 031A* and did not outline the individual contribution of each member of CCORT, yet CCORT still proposed a preparation honorarium of up to \$400.00 each for members that appeared at the hearing. Highpine submitted that CCORT should not be reliant on *ECO 2007-008: West Energy Ltd.* for its honoraria claim, but rather on *Directive 031A*. Highpine referred to Section 6.1.1 of *Directive 031A*, wherein it states:

If an individual hires a lawyer to assist with the intervention and the lawyer is primarily responsible for the preparation of the intervention the Board generally will not provide an honorarium to the individual for his or her preparation efforts. In situations where both the lawyer and the individual contribute substantially to the preparation of the intervention, the Board may consider an honorarium in recognition of the individual efforts.

Highpine submitted that CCORT provided no information to substantiate the contribution of its members in the preparation of their submissions and, therefore, they should not be entitled to preparation honoraria. Highpine submitted that if honoraria are warranted, they should be at the lower end of the range provided in Section 6.1.1 of *Directive 031A*.

With respect to the attendance honoraria claim, Highpine noted that CCORT again relied upon a previous cost order to justify the \$100.00 per day per person being claimed. Highpine referred to Section 6.2.3 of *Directive 031A* regarding costs for group members appearing at a public hearing and noted that when a lawyer presents a panel of interveners as witnesses, two representatives assisting the lawyer and up to six witnesses may receive \$50.00 each of every half day of attendance necessary for them to support their submission. Highpine noted that other than Mrs. Petrunia, who should receive \$100.00 for two half days, all the other members of CCORT should only be entitled to \$50.00 for the one half day they attended.

Highpine submitted that the \$1500.00 claimed by both Mrs. Crowhurst and Mrs. Petrunia for formation of a group was excessive. Highpine noted that Section 6.2.1 of *Directive 031A* states

that such awards are generally \$300.00 to \$500.00 and that “in exceptional cases” honoraria in excess of \$500.00 may be considered.

Highpine submitted that this case was not exceptional and that in other similar cases, such as in *ECO 2006-001: Petrofund Corp.*, where interveners formed a group of ten members, only one individual who formed a group was awarded \$500.00. Highpine submitted that Mrs. Crowhurst and Mrs. Petrunia should be entitled to \$500.00 for forming a group.

4.6.2 Views of CCORT

CCORT submitted that the costs submitted by CCORT for honoraria were reasonable and in accordance with past cost decisions made by the Board. CCORT referred the Board to *ECO 2007-008* and *ECO 2008-015*.

4.6.3 Views of the Board

The Board is appreciative of the work done by the interveners in preparing submissions and also appreciates the fact that appearing at a hearing takes significant time and effort. Preparation and attendance honoraria, as well as additional amounts for the work involved in forming a group, are meant to provide some compensation for such effort.

With regard to honoraria for forming a group, the Board awards Mrs. Petrunia and Mrs. Crowhurst \$300.00 each. In making this award, the Board notes that a number of CCORT members took part in a Highpine proceeding in June 2008 and that this would have made formation of a group for this proceeding less difficult.

With regard to attendance honoraria, the Board notes that most of the members of CCORT claimed for one day of attendance at the proceeding. This is appropriate, as many of these people would have been in attendance for a portion of the day, waiting for their opportunity to present evidence or, alternatively, would have been present at the commencement of the hearing. Only Mrs. Crowhurst and Mrs. Petrunia claimed for attendance for the entire hearing. As the people responsible for the CCORT group, this is again appropriate. The claims for attendance honoraria are allowed in full, with one exception. There is a \$100.00 deduction for Mrs. Petrunia, whose claim for attendance was \$1000.00. Since the hearing lasted nine days, the Board awards \$900.00 for attendance.

With regard to preparation honoraria, the Board notes that the only parties claiming such honoraria are those who did not appear at the last proceeding. It was evident from these submissions that significant personal effort and time went into preparation. The Board further notes that the claims for preparation are nominal, ranging from \$200.00 to \$400.00 (the latter amount for one individual who provided a substantial submission), and are therefore allowed.

The total for honoraria awarded to CCORT is \$4110.00. All disbursements claimed by CCORT are also allowed.

5 INDIVIDUAL INTERVENERS AND PARKLAND COUNTY

Wilson Law Office and Olesen Law Office claimed legal fees of \$114 316.50, expenses of \$771.20, and GST of \$5754.39, for a total claim of \$120 842.09. A claim was also made for the professional services of Dr. Du, for a total amount of \$3192.00 inclusive of GST.

In its cost submission, counsel for two individual interveners and Parkland County (the County) advised that the legal fees incurred on behalf of those parties were performed jointly and on an equal basis and that the cost claim submitted in relation to legal fees could be split 50/50 between the individual interveners and the County.

The County was granted standing, at least in part, because of its ownership of land in various EPZs, including the Buck for Wildlife quarter, Tomahawk Agri-Centre, Tomahawk Fire Station, and County Services Centre. Because of the County's position as a landowner, counsel submitted that the Board's normal rule for noncompensation of statutorily created bodies should not apply in this case.

5.1 Wilson Law Office

Wilson Law Office claimed a total of 307.10 hours for preparation, 65.50 hours for attendance at the hearing, and 20.30 hours for argument and reply at an hourly rate of \$285.00. Lee Olesen of Olesen Law Office provided research services to Wilson Law Office and claimed 15.6 hours of preparation time at an hourly rate of \$150.00. Expenses of \$771.20 were also claimed by Wilson Law Office. With GST, the total claim for legal fees and expenses was \$120 842.09.

5.1.1 Views of Highpine

Highpine took issue with the \$285.00 hourly rate claimed by Keith Wilson. It noted that the *Scale of Costs* in *Directive 031A* clearly sets out that the maximum allowable hourly rate that can be claimed is \$250.00. Highpine submitted that Mr. Wilson's claim should be reduced by \$11 459.00, a reduction of \$35.00 an hour for 327.40 hours claimed.

Highpine was also of the view that multiple counsel was not required at the entire hearing, specifically on September 24, 2008. Accordingly, Highpine submitted that Mr. Wilson's claim should be further reduced by \$2422.50, which represents 8.50 hours for one day of unnecessary hearing attendance.

5.1.2 Views of the Individual Intervenors and the County

In response to the comments by Highpine regarding the hourly rate claimed by Mr. Wilson, Wilson Law Office submitted that the Board has discretion to determine hourly rates awarded in a cost order. It submitted that the rates set out in the *Scale of Costs* are merely a guide, and given that Mr. Wilson had already reduced his normal rate to \$285.00 for the intervenors, it should not be reduced further.

Wilson Law Office further submitted that attendance at the hearing by Mr. Wilson on September 24, 2008, was absolutely necessary and that the hours spent at the hearing were proper and productive. It pointed out that attendance was necessary to accurately assess the demeanor of

Highpine witnesses and to assist with the scheduling of witnesses. It also pointed out that time would be required to review the transcript at a later date.

5.1.3 Views of the Board

The Board notes that Wilson Law Office submitted a claim for a total of 392.90 hours: 307.10 hours for preparation time, 65.50 hours for attendance at the hearing, and 20.30 hours for argument and reply.

The Board notes that the time spent by Wilson Law Office on preparation for the hearing was extreme compared to that of other counsel. The claims for preparation submitted by counsel for both PSD70 and CCORT were approximately one-half of that submitted by Wilson Law Office. This is particularly noteworthy in that Wilson Law Office submitted only one short supplemental expert report and provided brief summary submissions of only a few pages for individual interveners and the County prior to the hearing. This is in particular contrast to counsel for CCORT, who submitted two binders of expert materials and detailed outlines of individual interveners' submissions.

The Board does not accept the submission for 307.10 hours of preparation time, particularly when that time is contrasted with other counsel who prepared significant written submissions in advance of the hearing and engaged a number of experts. The preparation time is therefore reduced by half, to 153.50 hours. With the additional time spent on hearing attendance and on argument and reply, this reduces the total hours to 239.40 for Wilson Law Office.

The Board has considered Highpine's submission regarding Mr. Wilson's attendance at the hearing on September 24, 2008. Given that September 24 involved a cross-examination of the Highpine panel and Mr. Wilson was expected to conduct his own cross-examination of the Highpine panel the following day, such attendance was appropriate and there is no discount for attendance on that day.

As noted above, counsel for the individual interveners and the County provided only short written submissions prior to the hearing. While the Board received Dr. Du's report in a timely manner, it received little detail regarding other submissions that would be made by the individual interveners and the County. Mr. Wilson repeatedly wrote to the Board, advising that he took the position that there was no requirement to file documentary evidence or expert reports prior to the hearing. This was despite Board correspondence requesting that such material be filed in advance of the hearing.

At the hearing, Mr. Wilson filed and referred to significant documentary evidence and made substantive oral submissions covering factual matters not disclosed in advance of the hearing. The individual interveners filed material and provided a detailed presentation on observed wind patterns in the area. One of the individual interveners provided lengthy submissions regarding alleged breaches of safety by Highpine employees. Parkland County provided evidence regarding its activities involving a specific well blowout and referred to emergency management material used by local officials. Mr. Wilson provided no notice that much of this highly detailed evidence would be presented at the hearing.

The purpose of pre-filing submissions is fundamental and clear. It is to prevent parties from taking other parties by surprise at the hearing. Failure to prefile has the potential to significantly

and adversely impact the efficiency and fairness of Board hearings. At a minimum, it may lead to adjournment requests during the course of a hearing. The Board cannot allow such conduct to interfere with its hearing processes.

The Board emphasizes that it is aware it may often be difficult for counsel to file materials on time and in some circumstances it may be necessary to file materials in the course of a hearing. This may be the case where there are new materials filed by an applicant shortly before a hearing that require a response. The Board also recognizes that some individual interveners who do not have prior experience in a hearing process may provide a new evidence on the stand at a hearing without providing their own counsel with notice that they intend to do so. The Board is prepared to grant significant latitude when it is clear there has been an effort to comply with Board-set deadlines and when it is also clear the late filing or presentation of such evidence has not been deliberate. In this case, the Board finds that apart from the prompt filing of Dr. Du's report, there was consistent failure to file substantive submissions and documentary evidence in advance. This failure appeared to be deliberate and was disruptive to the hearing process.

The 239.40 hours for Wilson Law Office are therefore further reduced by 15 per cent, to 203.50 hours. In making this reduction, the Board notes a disregard for clear Board direction to file substantive submissions in advance. The Board notes that Wilson Law Office is familiar with Board proceedings, given past experience with the Board, and that it is therefore familiar with Board requirements for pre-filing of submissions.

The Board agrees that Mr. Wilson's submitted fee of \$285.00 per hour should be reduced to \$250.00 per hour. There was no uniquely complex evidence tendered on behalf of Mr. Wilson's clients, nor any other exceptional circumstances related to his representation that would cause the Board to exercise its discretion to vary the normal hourly rate of \$250.00. The Board notes that no other counsel at the hearing claimed an increase to the normal rate.

The rate of \$250.00 per hour applied to 203.50 hours results in a total of \$50 875.00 in fees for Mr. Wilson. With expenses of \$771.20 and the \$2340.00 fees claimed for the research services of Olesen Law Office, the total amount payable to Wilson Law Office related to legal fees and expenses would be \$53 986.20 plus GST. However, all of these amounts are subject to the Board's finding on Parkland County's claim for costs, which is set out below.

5.2 Parkland County

5.2.1 Views of the Board

As noted in Section 2 of this cost order, the Board does not normally award costs to statutorily created bodies, although it does retain the discretion to do so. It does not consider it appropriate to exercise such discretion with regard to the claim by Parkland County. The County provided evidence on behalf of a broad constituency of persons regarding these well applications. Unlike the involvement of PSD70, which arose from rather extraordinary circumstances, there was nothing exceptional in the intervention of the County that would differentiate it from other public bodies that have intervened at other hearings.

The amount of \$53 986.20 payable to Wilson Law Office for legal fees and expenses is therefore reduced by one-half, to \$26 993.10 plus GST of \$1349.66, for a total amount payable of \$28 342.76.

5.3 Dr. Shuming Du

Dr. Du claimed fees of \$3040.00 and GST of \$152.00, for a total cost claim of \$3192.00.

5.3.1 Views of Highpine

Highpine noted that no supporting documentation was provided for the claim submitted on behalf of Dr. Du. Highpine advised that Dr. Du had been jointly retained by the individual interveners, the County, and CCORT and that an account for Dr. Du was submitted by CCORT. Highpine noted its concern that double recovery could occur if Dr. Du were to be awarded costs for work done for the individual interveners and the County. It submitted that Dr. Du's claim should be denied in full.

5.3.2 Views of the Individual Intervenors and the County

In response to the comments submitted by Highpine regarding the account of Dr. Du, counsel for the individual intervenors and the County submitted the following additional details in relation to Dr. Du's statement of account:

From September 9 to September 26, Dr. Du did additional review of air dispersion modeling, performed additional modeling with ERCBH2S, literature review of SLAB model (which is the dispersion module embedded in ERCBH2S), and had telephone and email correspondence with my office. The breakdown of his time spent assisting Parkland County and WPLC is itemized as follows:

- Review of air dispersion modeling: 3 hours;
- Additional ERCB H2S calculations: 5 hours;
- Literature review of SLAB model: 6 hours;
- Email and telephone correspondence with Mr. Wilson: 3 hours;
- Summarizing findings in the report: 2 hours.

According to counsel for the individual intervenors and the County, all the hours listed above were not included in Dr. Du's statement of account submitted by CCORT. Counsel submitted that this clarification shows that there was no duplication in Dr. Du's billing regarding his work for CCORT.

5.3.3 Views of the Board

While the Board did not accept some of Dr. Du's evidence, the evidence in the additional expert report was clearly relevant to the applications and provided information that was helpful to the understanding of the applications. The detail provided by Wilson Law Office regarding Dr. Du's accounts demonstrates that this time is in addition to time claimed pursuant to the CCORT submission. The claim, therefore, is allowed, subject to a one-half reduction to account for the fact that half of the work was done for the County. The total amount awarded to Dr. Du is \$1520.00 plus GST of \$76.00.

5.4 HONORARIA

Anita Berger and Darla Henning claimed \$1350.00 and \$1275.00 respectively as honoraria.

5.4.1 Views of Highpine

While Highpine noted that it appreciated the interveners' contributions in this matter, it was of the view that the contributions of Ms. Berger and Ms. Hennig did not each warrant a \$500.00 preparation honorarium. Highpine referred to Section 6.1.1 of *Directive 031A*, wherein it provides a range for honoraria awards of \$300.00 to \$500.00. Highpine did not feel there was justification for these two members being awarded the upper limit of the range. Highpine submitted that because both of these interveners were represented by counsel who assisted in the preparation of their submissions, they should be awarded a maximum of \$300.00 each as preparation honoraria.

With regard to the honorarium claim of \$500.00 each for forming a group, Highpine is of the view that since the majority of the West Parkland Liaison Committee (WPLC) members did not have standing and did not participate in the hearing, Ms. Berger and Ms. Hennig represented their own concerns, not the concerns of an entire group. Highpine submitted that Ms. Berger and Ms. Hennig should each receive a maximum of \$300.00 for forming a group.

5.4.2 Views of the Individual Intervenors

It was submitted by counsel that both Ms. Berger and Ms. Hennig volunteered to act on behalf of all the members of the WPLC who were granted standing. Ms. Berger and Ms. Hennig made themselves available to assist counsel in the submission of the WPLC and also spent time to ensure that they understood the concerns and issues of the other members. It was submitted that counsel spent little time with the other intervenors because of the work done by Ms. Berger and Ms. Hennig. It was further submitted that Ms. Berger and Ms. Hennig should not be penalized with reduced honoraria just because they were assisted by counsel in the submission of the WPLC.

It was submitted that the honoraria claims for Ms. Berger and Ms. Hennig should be awarded in full.

5.4.3 Views of the Board

In this case, the Board awards \$300.00 each to Ms. Berger and Ms. Hennig for formation of a group. In making this decision, the Board notes that Ms. Berger and Ms. Hennig were the only two persons with standing who testified and that the majority of their submissions dealt with their personal concerns regarding the application and not with concerns of a wider group. The Board also notes that there were no written submissions summarizing the concerns of other members of the group who had standing, in contrast with the CCORT submission, in which written concerns of all members of the group, including those who did not testify, were provided to the Board. Ms. Berger and Ms. Hennig structured their evidence as individual witnesses for this hearing. While the Board also heard evidence from Mr. Strocher as part of the same panel, it was clear from the evidence that Mr. Strocher prepared such evidence on his own, without assistance from Ms. Berger and Ms. Hennig.

With regard to preparation honoraria, the Board is prepared to grant Ms. Berger and Ms. Hennig \$200.00 each.

Finally, the Board awards the attendance honoraria claimed of \$350.00 for Ms. Berger and \$275.00 for Ms. Hennig.

6 ORDER

It is hereby ordered that

- 1) The Board approves total intervener costs in the amount of \$208 122.01.
- 2) Payment in the amount of \$33 184.67 shall be made to Wilson Law Office, 195, 3-11 Bellerose Drive, St. Albert, Alberta T8N 5C9.
- 3) Payment in the amount of \$108 205.93 shall be made to Klimek Law, Barristers & Solicitors, 240, 4808 – 87 Street, Edmonton, Alberta T6E 5W3.
- 4) Payment in the amount of \$66 731.41 shall be made to Reynolds Mirth Richards & Farmer, Barristers & Solicitors, 3200 Manulife Place, 10180 – 101 Street, Edmonton, Alberta T5J 3W8.

Dated in Calgary, Alberta, on April 2, 2009.

ENERGY RESOURCES CONSERVATION BOARD

<original signed by>

B. T. McManus, Q.C.
Presiding Board Member

<original signed by>

G. Eynon, P.Geol.
Board Member

<original signed by>

W. A. Warren, P.Eng.
Acting Board Member

APPENDIX A SUMMARY OF COSTS CLAIMED AND AWARDED



Appendix A

Appendix is available through ERCB Information Services. Contact infoservices@ercb.ca