

# Rule 015

# Rules on Costs of Investigations, Hearings or Other Proceedings Relating to Contraventions

This rule as amended was approved by the Alberta Utilities Commission on July 4, 2024, with an effective date of August 4, 2024.

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## 1 Definitions

In these rules,

- (1) “Act” means the Alberta Utilities Commission Act,
- (2) “AUC Enforcement” means Alberta Utilities Commission employees involved in investigating and prosecuting potential contraventions of the Alberta Utilities Commission Act, enactments under the jurisdiction of the Commission, any Commission rule, decision, order or authorization or ISO Rule.
- (3) “Commission” means the Alberta Utilities Commission.
- (4) “Consultant” includes an external investigator, analyst, auditor or other professional, and
- (5) “Fully Burdened Costs” includes the costs of any salary, benefits, vacation, materials, disbursements, and all applicable overheads.

## 2 Costs

These rules apply to the costs of an investigation and hearing or other proceeding resulting in the determination by the Commission that a person contravened the Act or the regulations, or any other enactment under the jurisdiction of the Commission, or any order, decision of the Commission, Commission rule or ISO rule.

## 3 Application for costs

Within 30 calendar days after the Commission has issued its determination that a contravention has occurred, the Market Surveillance Administrator or AUC Enforcement may apply to the Commission for an order for costs of the investigation and hearing or other proceeding against the person determined to be in contravention.

## 4 Content of Application

An application for costs under Section 3 must set out the following costs, fees or expenses incurred in connection with the investigation and hearing or other proceeding against the person determined to be in contravention:

- (1) The Fully Burdened Costs of employees of the Market Surveillance Administrator or AUC Enforcement;
- (2) The costs, fees or expenses of any Consultant or external legal counsel engaged by the Market Surveillance Administrator or AUC Enforcement, on a full indemnity basis; and
- (3) Any fees, costs or expenses incurred for the hearing or other proceeding, on a full indemnity basis, including:

- (a) fees or expenses of all witnesses, including experts;
- (b) costs, fees or expenses incurred in preparing and serving any documents on any person;
- (c) court reporter fees and charges for transcripts;
- (d) fees or expenses of the legal counsel for the Market Surveillance Administrator, or AUC Enforcement; and
- (e) any other reasonable and direct costs, fees or expenses of the investigation or hearing or other proceeding, including any costs, fees or expenses of the individuals set out in Section 4(1) or Section 4(2).

## **5 Application for costs of Commission**

Within 30 days after the Commission has issued its determination that a contravention has occurred, the Chief Executive of the Commission may apply to the Commission for an order for costs of the Commission of the hearing or other proceeding against the person determined to be in contravention.

## **6 Reasonable and directly related costs**

An application for costs under Section 5 must set out the reasonable and directly related costs of the hearing or proceeding incurred by the Commission, including staff time or Consultants retained for the purposes of the hearing or other proceeding to prepare and attend the hearing or other proceeding, disbursements for court reporters, transcripts, and hearing room.

## **7 Hearing**

In accordance with Section 66 of the Act, the Commission may hear and determine the application for costs under sections 3 or 5 and issue an order awarding reasonable and directly related costs to the Market Surveillance Administrator, AUC Enforcement, or the Chief Executive of the Commission, payable by the person determined to be in contravention, within 30 days of the issuance of the order.