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CANADA

BRITISH COLUMBIA  
UTILITIES COMMISSION

ORDER  
NUMBER F-6-94

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AN ORDER IN THE MATTER OF the Utilities Commission  
Act, S.B.C. 1980, c. 60, as amended

and

Applications by Participants to an Application by  
West Kootenay Power Ltd.  
and  
Participant Funding Awards - Order No. G-117-93

BEFORE: M.K. Jaccard, Chairperson; and )  
K.L. Hall, Commissioner ) May 11, 1994

O R D E R

**WHEREAS:**

- A. On March 7, 1994 a public hearing commenced at Rossland, B.C. into the West Kootenay Power Ltd. ("WKP") November 30, 1993 Application for its 1994 and 1995 Revenue Requirements, its Integrated Resource Planning ("IRP") and its December 3, 1993 Rate Design Application ("the Applications"); and
- B. Participants to the public hearing into the Applications first submitted draft budget of costs and expenses followed by applications for expenses related to their participation; and
- C. The Commission discussed the claims having regard to the criteria and rates set out in Order No. G-117-93 and provided the awards to be added to the Participant Funding Sheet. Although the Hearing lasted eight days, it was decided to add one day to the Participant allowances on a pro-rata basis to account for written argument.

The maximum awards to Counsel for the Applicants were based on \$800 per participation-day plus expenses but the Commission recognized the possibility of zero awards being granted. The award in respect of Mr. C. Reasons' presentations on behalf of CAC (B.C.) et al was reduced by one-half as the Commission felt that these presentations made only a limited contribution to a greater understanding of the issues by the Commission.

The maximum awards to Consultants were based upon the fee and expense schedules submitted. The Commission reduced the award to Mr. J. Todd on the basis that his two main theses were effectively challenged during cross-examination.

- D. The Commission has reviewed the Participant Funding applications and requires WKP to pay for such awards as outlined below. A breakdown of the cost awards can be found in the Participant Funding Sheet attached as Appendix A to this Order.

**NOW THEREFORE** the Commission orders as follows:

Pursuant to Section 133.1 of the Act, WKP is ordered to reimburse participants to the public hearing into the Applications in the total amount of \$43,002.80 as follows:

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Consumers Association of Canada (B.C.) et al ["CAC (BC)"]	\$23,799.43
Westcoast Environmental Law Association ("WELA")	\$14,161.10
Mr. David George	\$2,396.16
Electric Consumers Association ("ECA")	\$2,184.71
Fairview Heights Irrigation District	\$461.40

**DATED** at the City of Vancouver, in the Province of British Columbia, this 17<sup>th</sup> day of May, 1994.

BY ORDER

Kenneth L. Hall  
Commissioner

Attachment

PARTICIPANT FUNDING: WEST KOOTENAY POWER LTD.						
1994 RR/RD/IRP	CLAIMED	\$68,014.03	AWARDED	\$43,002.80		
(8 days plus Argument)						
	INDIVIDUAL		COUNSEL		CONSULTANTS	
	Claim	Award	Claim	Award	Claim	Award
CAC(BC)	None		M. Doherty		J. Todd	
\$23,799.43			C. Reasons		J. Todd (Beak)	
RATE			\$150/hr	\$800.00	\$165/hr	
			\$110/hr	\$400.00	\$40-95/hr	
TIME (prep./hear)			41.5/20.75	5	45.1 hours	
			49/24.5	4	60.5 hours	
FEES (incl. GST)			\$10,644.75	\$4,000.00	\$7,962.41	\$8,000.00
			9,216.90	1,600.00	5,381.96	(Incl. above)
EXPENSES			7,958.48	7,958.48	2,240.95	2,240.95
TOTAL \$	\$0.00	\$0.00	\$27,820.13	\$13,558.48	\$15,585.32	\$10,240.95
AWARD %				49%		66%
WELA	D. Foley		C. Reardon		Sigma	
\$14,161.10					C. Eliot	
RATE	\$175/day	\$175.00	\$50/hr	\$800.00	\$81/hr	
					\$70/hr	
TIME (prep./hear)	11 days	6	150.2	5	47.5 hours	
					34 hours	
FEES (incl. GST)	\$1,925.00	\$1,050.00	\$7,510.00	\$4,000.00	\$4,076.77	\$4,076.77
					2,030.00	2,030.00
EXPENSES			2,792.78	2,972.78	31.55	31.55
TOTAL \$	\$1,925.00	\$1,050.00	\$10,302.78	\$6,972.78	\$6,138.32	\$6,138.32
AWARD %		55%		68%		100%
D. George	Himself					
\$2,396.16						
RATE	\$150/day	\$150.00				
TIME (prep./hear)	13 days	9				
FEES	\$1,950.00	\$1,350.00				
EXPENSES	1,046.16	1,046.16				
TOTAL \$	\$2,996.16	\$2,396.16	\$0.00	\$0.00	\$0.00	\$0.00
AWARD %		80%				
ECA	D. Scarlett					
\$2,184.71						
RATE	\$150/day	\$150.00				
TIME (prep./hear)	13 days	9				
FEES	\$1,950.00	\$1,350.00				
EXPENSES	834.71	834.71				
TOTAL \$	\$2,784.71	\$2,184.71	\$0.00	\$0.00	\$0.00	\$0.00
AWARD %		78%				
Fairview Heights	W. Mennell	E. Bealle				
\$461.40						
RATE	\$80/day	\$80/day				
TIME (prep./hear)	1 day	1 day				
FEES (incl. GST)	\$160.00	\$160.00				
EXPENSES	301.40	301.40				
TOTAL \$	\$461.40	\$461.40	\$0.00	\$0.00	\$0.00	\$0.00
AWARD %		100%				