



LETTER NO. 8

ROBERT J. PELLATT
COMMISSION SECRETARY

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May 11, 1994

Ms. Carolyn McCool
Executive Director
B.C. Public Interest Advocacy Centre
#701 - 744 West Hastings Street
Vancouver, B.C.
V6C 1A5

Dear Ms. McCool:

**Re: British Columbia Hydro and Power Authority
1993 Revenue Requirements - Participant Funding Cost Awards**

The hearing panel to the B.C. Hydro and Power Authority hearing has considered your April 25, 1994 request for reconsideration and variance of the participant cost award to you. You argue that the Commission has erred in its decision and that it has ignored the wording of the Utilities Commission Act ("UCA"). However, Section 133.1(1) of the UCA states that:

"The Commission may order a participant in a proceeding before the Commission to pay all or part of the costs of another participant in the proceeding." (emphases added)

The legislation does not oblige the Commission to cover all, or any, costs of participants in a proceeding and the Commission has established a funding policy that was discussed and approved by the B.C. Hydro hearing panel in the determination of the cost award to you. The Commission does not agree with your assertion that "allowing the decision to stand would have a chilling effect on participation in the Commission's processes". The Commission does not intend to cover all legal costs, except in cases of extreme hardship where an Intervenor group has no funding capability and will be substantially disadvantaged by the potential outcome of a proceeding.

You argue that the only evidence which was properly before the Commission as to the amounts to be awarded for counsel fees was that submitted in your January 27, 1994 Application and that the Commission staff played an advocacy role in the hearing, as well as advising the Commission in its adjudicative function. However, the evidence considered by the panel in making its decision included not only that provided in your January 27, 1994 application, but also the exhibits and transcript of the public hearing. As well, Commission staff does not advocate particular positions but rather provides the Commission with research and analysis through its recommendations and its support of Commission counsel.

bce	— E. Sleath
— M. Jaccard	— M. Payne
— L. Barr	— K. Wellman
— M. Dunn	— Extra
— D. Wilson	— Commissioner Fldr.
— S. Clark	✓ W. Grant <i>edary</i>
— F. Leighton	— P. Enns
— K. Hall	✓ R. Brownell
— H. Page	— J. Hague
Letter Only *	— J. Fraser
✓ R. Pellatt	✓ P. Gronert
— C. Smith	— S. Wong
— A. Connick	— P. Nakomony
— Com.Sec.Duay	— B. Williston
— Complaint File	— M. Smith
— Intervenor File	✓ B. McKinnlay <i>duay</i>
— Comm. Counsel	— F. James
✓ Central Files	— R. Rene

Consequently, the Commission declines to reconsider Order F-3-94. If you require any further information with regard to this decision, please contact the writer.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Pellatt', written in a cursive style.

Robert J. Pellatt

WJG/ssc