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CANADA



BRITISH COLUMBIA  
UTILITIES COMMISSION

ORDER  
NUMBER G-103-96

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

and

Participant Assistance/Cost Award Practices

**BEFORE:** M.K. Jaccard, Chairperson; and )  
L.R. Barr, Deputy Chairperson ) October 11, 1996

**O R D E R**

**WHEREAS:**

- A. On June 18, 1993 legislative approval was given, with changes to Section 133 of the Utilities Commission Act ("the Act"), to allow the Commission to assist participants with costs associated with regulatory proceedings and public reviews; and
- B. On December 8, 1993 the Commission, by Order No. G-117-93, issued its participant funding guidelines pursuant to Section 133.1 of the Act, effective April 1, 1993; and
- C. On September 23, 1996 the Commission conducted an informal public discussion to hear comments and proposed amendments to its guidelines. Written comments were subsequently filed for Commission review and consideration; and
- D. The Commission has reviewed the written comments and requires that its participant funding guidelines be amended.

**NOW THEREFORE** pursuant to Section 133.1 of the Act, the Commission approves the amended guidelines on participant assistance/cost awards, attached as Appendix A to this Order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 17th day of October, 1996.

BY ORDER

*Original signed by:*

Dr. Mark K. Jaccard  
Chairperson

Attachment

**British Columbia Utilities Commission  
Participant Assistance/Cost Award Guidelines  
Section 133.1 of the Utilities Commission Act**

## **1. Participant Eligibility**

In determining an award of all or a portion of a participant's costs, the Commission will consider the following:

- (i) Does the participant represent a substantial interest in the proceeding and will the participant be affected by the outcome?
- (ii) Has the participant contributed to a better understanding of the issues by the Commission?
- (iii) Are the costs incurred by the participant for the purposes of participating in the proceeding fair and reasonable?
- (iv) Does the participant have access to other sources of financial assistance or funding? Without the award, would the participant be able to participate effectively in the proceeding?
- (v) Has the participant joined with other groups with similar interests to reduce costs?
- (vi) Any other matter appropriate in the circumstances.

When making participant assistance/cost awards under Section 133.1(2) of the Act, the Commission will also consider the Commission approved budget for participant funding.

## **2. Application for a Cost Award**

A proceeding begins when the Commission orders a hearing or an inquiry and ends with the conclusion of that process. Intervenors who intend to apply for a cost award, must submit a budget 30 days in advance of the commencement date of the proceeding. This Budget should include an estimate of proceeding and preparation days and should identify key issues that will be examined. The Commission will reply with a review letter, that includes an estimate of proceeding days. This estimate will not restrict the Commission, but will provide guidance in adjusting, for example, the ratio of preparation days to proceeding days. The Commission will identify for the utility (or whoever will be asked to pay) those intervenors who intend to apply for participant assistance.

- (i) An application for a cost award shall be made by filing a written application with the Commission panel within thirty days following the last hearing day (or such time as the Commission panel directs) setting out the reasons for such an award.

A party applying for costs should address its eligibility considering Section 1 of the Policy and reasons why costs should be awarded. The application should be supported by a statement of costs with the appropriate receipts and invoices together with a sworn affidavit.

- (ii) The Commission panel will review the application and statement of costs. It may require further supporting documents from the party seeking costs.

- (iii) When cost award applications are received at the end of a proceeding, whoever will be asked to pay will be provided with an opportunity to comment within 10 days.
- (iv) The Commission panel shall determine the entitlement to a full or partial award taking into account the criteria established in Section 1 of the Policy.
- (v) The costs are to be awarded by order no later than 2 months after the hearing Decision has been issued.
- (vi) Once in receipt of the Commission panel's Decision on the award, an affected party may seek a reconsideration but must file its application within 10 working days.

### **3. Interim Award**

The Commission panel may approve the consultant's costs of a participant under an accelerated approval process. Reimbursement will be provided once an invoice or receipt is received from the participant by the Commission panel and the regulatory proceeding has begun. The participant would also be required to file an application under Section 2 of the Policy at the conclusion of the hearing.

### **4. Costs Eligible for Reimbursement**

The following reasonable expenses are eligible for participant assistance. The term “proceeding day” may include workshop days, negotiation days, pre-hearing conference days and hearing days. The Commission may award costs for preparation days typically on a ratio of up to 2 days per proceeding day.

#### **a. Foregone Earnings**

The Commission will award costs for foregone earnings up to a maximum of \$175 per proceeding day.

#### **b. Legal Fees**

The Commission panel will consider factors such as experience before regulatory tribunals, complexity of the issue and overall conduct of the counsel in determining an appropriate contribution or partial award towards legal costs.

The Commission may award legal counsel costs up to a maximum of \$1200 per full proceeding day or preparation day (assumed to be an eight hour day).

#### **c. Case Managers**

The Commission supports the use of case managers where this either reduces the use of legal counsel or enables a coalition of interest groups with similar positions to participate. However, the Commission will want to be assured that the use of a case manager is not associated with unnecessary duplication of personnel for any particular task.

d. Expert Consultants

The consultant's hourly rate will be compared to the fee schedule of professional organizations such as the Association of Professional Engineers and Geoscientists of the Province of British Columbia and the Canadian Association of Management. In each case the expert's resume must be provided and the application reviewed considering the quality of service rendered.

Intervenors must demonstrate in their submitted budgets their efforts to find qualified consultants in locations that will minimize travel costs.

e. Disbursements

Disbursements directly related to the participant's participation in the proceeding will be allowed. Payment may be up to BCGEU rates applicable to the Regulatory Affairs staff of the Commission for travel, accommodation and meals, etc.

f. Child Care

Child care (when such expenses are incurred for the purpose of participating) may be allowed to a maximum of \$50.00 per day. Only child care expenses may be claimed.

g. Taxes

GST and PST costs which cannot be recovered under the taxation provisions will be allowed.

h. Other Costs

Other costs which the Commission panel may deem as reasonable and justified.

## **BRITISH COLUMBIA UTILITIES COMMISSION**

### PARTICIPANT ASSISTANCE/COST AWARDS RATE SHEET

The following reasonable expenses are eligible for participant assistance. The term “proceeding day” may include workshop days, negotiation days, pre-hearing conference days and hearing days. The Commission may award costs for preparation days typically on a ratio of up to 2 days per proceeding day.

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**MEAL EXPENSES<sup>1</sup>**

Maximum \$42.00/Day (Out of Town Participants)

|                    |         |
|--------------------|---------|
| Breakfast only     | \$21.25 |
| Lunch only         | 21.25   |
| Dinner only        | 27.50   |
| Breakfast & Lunch  | 28.50   |
| Breakfast & Dinner | 34.75   |
| Lunch & Dinner     | 34.75   |

**TRAVEL RATE<sup>2</sup>**

(Out of Town Participants)

**Vehicle Mileage: \$.37/km <sup>2</sup>**

**Airfare: Full Fare Economy <sup>2</sup>**

**ACCOMMODATION RATES<sup>3</sup>**

(single room rate)

May 1 thru Sept 30

Oct 1 thru April 30

|                             |                 |                 |
|-----------------------------|-----------------|-----------------|
| Greater Vancouver           | \$95.00 + taxes | \$70.00 + taxes |
| Victoria                    | \$80.00 + taxes | \$65.00 + taxes |
| All other areas in Province | \$70.00 + taxes | \$65.00 + taxes |
| Private Accommodation       | \$30.00/night   |                 |

f. Child Care

Child care (when such expenses are incurred for the purpose of participating) may be allowed to a maximum of \$50.00 per day. Only child care expenses may be claimed. If child care expenses are already incurred for existing circumstances they are not eligible for reimbursement.

g. Taxes

GST and PST costs which cannot be recovered under the taxation provisions will be allowed.

h. Other Costs

Other costs which the Commission panel may deem as reasonable and justified.

**NOTES:**

- Meal Expenses/Out of Town Participants:** The rates applicable to those Registered Intervenors who have applied to attend a hearing not in their immediate area.
- Travel Rate/Out of Town Participants:** The rates applicable to those Registered Intervenors who have applied for funding to attend a hearing not in their immediate area. The participant assistance approved for consideration will be the lesser amount of the two options.
- Accommodation rates apply to the area in which the hearing is being conducted. Please make note of the different seasonal rates applicable for high and low seasons.