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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** F-25-07

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**IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473**

and

**An Application for Participant Assistance/Cost Award Funding
in an Application by Terasen Gas (Vancouver Island) Inc.
for Approval of Long-Term Service Agreements
with British Columbia Hydro and Power Authority**

BEFORE:

L.A. O'Hara, Commissioner
P.E. Vivian, Commissioner

December 4, 2007

O R D E R

WHEREAS:

- A. On November 7, 2007, the British Columbia Public Interest Advocacy Centre ("BCPIAC") submitted an application for Participant Assistance/Cost Award ("PACA") funding on behalf of the BC Old Age Pensioners Organization *et al.* ("BCOAPO") for its participation in the proceeding (the "Proceeding") to review the application by Terasen Gas (Vancouver Island) Inc. ("TGVI") for approval of Long-Term Service Agreements with British Columbia Hydro and Power Authority; and
- B. By Order No. G-139-07 dated November 15, 2007, the Commission issued its Decision on the TGVI application in the Proceeding; and
- C. By letter dated November 15, 2007, TGVI stated that it has reviewed the BCPIAC PACA funding application and is of the view that it is not unreasonable; and
- D. The Commission Panel has reviewed the PACA application with regard to the criteria and rates set out in the Guidelines in Commission Order No. G-72-07 and has concluded that, for the Reasons for Decision that are set out in Appendix A to this Order, a cost award should be approved for BCPIAC in the Proceeding.

NOW THEREFORE the Commission orders as follows:

**BRITISH COLUMBIA
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**ORDER
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2

1. Pursuant to Section 118(1) of the Utilities Commission Act, the Commission awards funds to the following for participation in the Proceeding:

	<u>Application</u>	<u>Award</u>
BCPIAC	\$4,945.75	\$4,945.75

2. TGVI is directed to reimburse the above noted participant for the total amount awarded in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 4th day of December 2007.

BY ORDER

Original signed by

L.A. O'Hara
Commissioner

Attachment

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REASONS FOR DECISION

1.0 INTRODUCTION

On November 15, 2007 the British Columbia Utilities Commission (the “Commission”) issued Order No. G-139-07 and related Reasons for Decision regarding the Terasen Gas (Vancouver Island) Inc. application for approval of Long-Term Service Agreements with British Columbia Hydro and Power Authority.

The Commission received an application pursuant to section 118 of the Utilities Commission Act for Participant Assistance/Cost Award (“PACA”) funding from the British Columbia Public Interest Advocacy Centre (“BCPIAC”) on behalf of B.C. Old Age Pensioners’ Organization *et al.* The PACA cost award requested is \$4,945.75.

Section 118 provides that the Commission Panel may make cost awards for participation in a proceeding. The Commission’s PACA Guidelines are set out in Appendix A to Order No. G-72-07, and state:

“The Commission Panel will determine whether a Participant is eligible or ineligible for an award. In determining an award of all or any portion of a Participant’s costs, the Commission Panel will first consider whether the Participant has a substantial interest in a substantial issue in the proceeding. If this criterion is not met, the Participant will typically not receive a cost award except, possibly, for out-of-pocket disbursements.

Except in limited circumstances, it is expected that only ratepayer groups will establish a “substantial interest in a substantial issue” so as to be eligible for an award in a revenue requirements proceeding. For the purposes of this section, the principal interest of “ratepayer groups” will be the rate impacts of the revenue requirement to be paid by the ratepayer Participants. The Commission Panel will also consider other characteristics of the Participant, including the scope and significance of the principal concerns of the Participant.

Participants other than “ratepayer groups” may be eligible for funding in energy supply contract, rate design, resource plan, and CPCN proceedings provided that the Participant meets the “substantial interest in a substantial issue” criterion.

The Commission Panel will then consider the following:

- (i) 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) Has the Participant joined with other groups with similar interests to reduce costs?
- (v) Has the Participant engaged in any conduct that tended to unnecessarily lengthen the duration of the proceeding? (This criterion will not, by itself, disqualify a Participant for pursuing a relevant position in good faith and with reasonable diligence)
- (vi) Any other matters appropriate in the circumstances.

If the Commission panel considers it to be an appropriate consideration in a proceeding, the Commission panel may consider the Participant's ability to participate in the proceeding without an award."

2.0 PROCEEDING AND PREPARATION DAYS

Section 4 of the PACA Guidelines state that proceeding days may include workshop days, negotiation days, pre-hearing conference days, hearing days and oral argument days; and that the Commission Panel may award costs for preparation days, typically on a ratio of up to two preparation days per proceeding day. Maximum daily costs for legal counsel and consultants are based on an eight hour day and are to be prorated for part days. As the Proceeding was a written hearing, this Section of the Guidelines is not directly applicable.

3.0 PACA APPLICATION

The Commission Panel has reviewed the PACA application from BCPIAC for funding in the amount of \$4,945.75 and the letter from Terasen Gas (Vancouver Island) Inc. which states that the funding applied for is not unreasonable. **The Commission awards to BCPIAC PACA funding in the amount of \$4,945.75 for the Proceeding.**