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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-26-07**

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

and

**Application for Reconsideration from Heiltsuk Tribal Council/Shearwater Marine Ltd.
to Order No. F-24-07 on Participant Assistance/Cost Awards ("PACA")**

BEFORE:

A.J. Pullman, Panel Chair
R.J. Milbourne, Commissioner
L.A. O'Hara, Commissioner

December 19, 2007

ORDER

WHEREAS:

- A. The Commission awarded funds to the applicants for PACA for the 2007 RDA Phase I proceeding by Commission Order No. F-24-07 dated November 28, 2007 with Reasons for Decision attached; and
- B. By letter dated December 13, 2007, the Heiltsuk Tribal Council/Shearwater Marine Ltd. ("Heiltsuk/Shearwater") applied to the Commission to reconsider two specific aspects of the cost award, namely: the calculation of taxes on legal fees awarded and the calculation of proceeding and preparation days; and
- C. Heiltsuk/Shearwater submitted in its letter that the tax calculated on the amount of legal fees at 6 percent was a mistake as it relates to the amount that would apply to GST. The legal fees for the Heiltsuk/Shearwater account was for PST at the rate of 7 percent; and
- D. Heiltsuk/Shearwater submitted in its letter that work incurred for workshops and negotiations in connection with the BC Hydro 2007 RDA Phase I that took place on January 29, 2007, January 30, 2007, February 26, 2007, March 7, 2007 and March 9, 2007 should be eligible for PACA funding. The letter stated that British Columbia Hydro and Power Authority ("BC Hydro") indicated that it would support PACA funding for parties who actively participated in those events and encouraged the Commission Panel to seek BC Hydro's comments; and
- E. The Commission Panel has reviewed the reconsideration request with regard to the amount of taxes and has concluded that the correct amount of the award for taxes should be \$2,872.80 instead of \$2,462.40; and
- F. The Commission Panel has reviewed the reconsideration request with regard to the eligibility for PACA funding. The Commission Panel has determined that it would provide BC Hydro with an opportunity to comment on Heiltsuk/Shearwater's submission with regard to the eligibility for PACA funding for the five separate events listed in Recital D.

NOW THEREFORE the Commission orders as follows:

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1. The Commission Panel has determined that the difference of \$410.40 (\$2,872.80-\$2,462.40) should be awarded to Heiltsuk/Shearwater to provide them with the full recovery of the PST on the allowed legal fees in Order No. F-24-07.
2. BC Hydro is to provide comments to the Commission with respect to Participants eligibility for participation in the events leading up to the 2007 Rate Design Application filed on March 15, 2007.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of December 2007.

BY ORDER

Original signed by:

A.J. Pullman
Panel Chair