

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3 CANADA
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-6-08**

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

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

**and
Participant Assistance/Cost Awards
Regarding an Application by FortisBC Inc.
for a Certificate of Public Convenience and Necessity
for the Ootischenia Substation Project**

BEFORE: A.W.K. Anderson, Panel Chair
and Commissioner
N.F. Nicholls, Commissioner January 21, 2008

O R D E R

WHEREAS:

- A. On September 7, 2007, FortisBC Inc. ("FortisBC") applied to the British Columbia Utilities Commission (the "Commission") for a Certificate of Public Convenience and Necessity ("CPCN") for the Ootischenia Substation Project; and
- B. By Order No. G-110-07 dated September 20, 2007 the Commission established an Oral Public Hearing; and
- C. By Order No. G-131-07 dated October 29, 2007 the Commission amended the Regulatory Timetable cancelling the Oral Public Hearing and established a Written Public Hearing; and
- D. By Order No. C-10-07 dated December 18, 2007, the Commission issued its Decision on the application by FortisBC for a CPCN for the Ootischenia Substation Project; and
- E. On January 10, 2007, the British Columbia Public Interest Advocacy Centre submitted a revised application for a Participant Assistance/Cost Award ("PACA") on behalf of the BC Old Age Pensioners' Organization *et al.* ("BCOAPO") for its participation in the proceeding (the "Proceeding") to review an application by FortisBC for a CPCN for the Ootischenia Substation Project; and
- E. By letter dated January 15, 2008, FortisBC stated that it has no comment regarding BCOAPO's application for funding; and
- F. 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 a PACA award should be approved for BCOAPO with respect to its participation in the Proceeding as set forth in the Reasons for Decision attached as Appendix A to this Order.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** F-6-08

2

NOW THEREFORE the Commission orders as follows:

1. Pursuant to section 118(1) of the Utilities Commission Act, the Commission awards funds to BCOAPO for its participation in the proceeding to review the application by FortisBC for a CPCN for the Ootischenia Substation Project.

	<u>Application</u>	<u>Award</u>
BC Old Age Pensioners' Organization <i>et al.</i> (BCOAPO)	\$2,509.50	\$2,509.50
TOTAL	<u>\$2,509.50</u>	<u>\$2,509.50</u>

2. FortisBC is directed to reimburse the above noted participant by way of a cheque to the British Columbia Public Interest Advocacy Centre, for the total amounts awarded in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 28th day of January 2008.

BY ORDER

Original signed by:

N.F. Nicholls
Commissioner

Attachment

Application by FortisBC Inc.
for a Certificate of Public Convenience and Necessity
for the Ootischenia Substation Project

Application for Participant Assistance/Cost Award

REASONS FOR DECISION

1.0 INTRODUCTION

On July 9, 2007 the British Columbia Utilities Commission (the “Commission”) issued Order No. C-7-07 and related Reasons for Decision wherein it determined to issue a Certificate of Public Convenience and Necessity for the Ootischenia Substation Project. On October 29, 2007 the Commission issued Order No. G-131-07 and Amended Regulatory Timetable cancelling the Oral Public Hearing and establishing a Written Public Hearing.

The Commission received an application from the BC Old Age Pensioners’ Organization *et al.* (“BCOAPO”) pursuant to section 118 of the Utilities Commission Act for a Participant Assistance/Cost Award (“PACA”) for the Certificate of Public Convenience and Necessity for the Ootischenia Substation Project. The PACA cost award requested in the application totalled \$2,509.50.

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 the proceeding days may include workshop days, negotiation days, pre-hearing conference days, hearing 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 partial days.

3.0 PACA APPLICATION

The Commission Panel has reviewed the PACA Application which is for one day of legal expenses, 0.7 days of consultant fees, and no disbursements for a total of \$2,509.50. The Budget Estimate for the previously planned Oral Hearing submitted by BCOAPO on October 5, 2007 was for 3.5 days of legal expenses, 3.5 days of consultant fees plus disbursements for a total of \$11,095.40. FortisBC has no comment regarding BCOAPO's application for \$2,509.50. In FortisBC's Final Argument dated November 14, 2007 FortisBC stated that "It should be noted that the change from an Oral Hearing to a Written Hearing has resulted in the estimated regulatory costs being decreased by over 55%".

4.0 COMMISSION DETERMINATION

For these reasons **the Commission Panel determines that the total award is \$2,509.50.**