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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-5-08**

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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
regarding the FortisBC Application for a
Certificate of Public Convenience and Necessity for the
Distribution Substation Automation Program**

BEFORE: L.A. O'Hara, Panel Chair
and Commissioner
P.E. Vivian, Commissioner January 21, 2008

O R D E R

WHEREAS:

- A. On August 28, 2007 FortisBC Inc. ("FortisBC") submitted an application to the British Columbia Utilities Commission ("Commission"), pursuant to Sections 45 and 46 of the Utilities Commission Act, for a Certificate of Public Convenience and Necessity ("CPCN") for the Distribution Substation Automation Program. The Application was requested by the Commission in its Reasons for Decision accompanying Order No. G-52-05, dated May 31, 2005, which was issued following the Commission's consideration of FortisBC Inc.'s 2005 System Development Plan; and
- B. By Order No. G-108-07 dated September 18, 2007, the Commission established a Written Public Hearing process that concluded on December 14, 2007 when FortisBC's Reply Argument was submitted to the Commission; and
- C. By Order No. C-11-07 dated December 24, 2007, the Commission issued its Decision on the application by FortisBC for a CPCN for the Distribution Substation Automation Program; and
- D. On December 20, 2007, the British Columbia Public Interest Advocacy Centre submitted an 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 Inc. ("FortisBC") for a Certificate of Public Convenience and Necessity for the Distribution Substation Automation Program; and
- E. By letter dated January 15, 2008, FortisBC stated that it has no comment regarding BCOAPO's application for funding; and

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- 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 this Proceeding as set forth in the Reasons for Decision that are attached as Appendix A to this Order .

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 Certificate of Public Convenience and Necessity Distribution Substation Automation Program.

	<u>Application</u>	<u>Award</u>
BC Old Age Pensioners' Organization <i>et al.</i>	\$2,536.00	\$2,536.00
TOTAL	<u>\$2,536.00</u>	<u>\$2,536.00</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 23rd day of January 2008.

BY ORDER

Original signed by:

L.A. O'Hara,
Panel Chair and Commissioner

Attachment

An Application by FortisBC Inc.
for a Certificate of Public Convenience and Necessity
Distribution Substation Automation Program

Application for Participant Assistance/Cost Award

REASONS FOR DECISION

1.0 INTRODUCTION

On December 24, 2007 the British Columbia Utilities Commission (the “Commission”) issued Order No. C-11-07 and related Reasons for Decision wherein it determined to issue a Certificate of Public Convenience and Necessity for the Distribution Substation Automation Program.

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 application by FortisBC Inc. (“FortisBC”) for a Certificate of Public Convenience and Necessity Distribution Substation Automation Program proceeding. The PACA cost award requested in the application totalled \$2,536.00.

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.

Because the Commission established a Written Public Hearing process, the proceeding involved zero official proceeding days.

3.0 PACA APPLICATION

The Commission Panel has reviewed the PACA Application which is for one day of legal expenses, 0.72 days of consultant fees, and no disbursements for a total of \$2,536.00. The original budget estimate submitted on September 28, 2007 was for the amount of \$6,521.00. FortisBC has no comment regarding BCOAPO's application for \$2,536.00.

For the purposes of determining the cost award, the Commission Panel reviewed the application and statement of cost in relation to the contribution made by BCOAPO. The Commission Panel determines the entitlement to be a full award.

4.0 COMMISSION DETERMINATION

For these reasons **the Commission Panel determines that the total award is \$2,536.00.**