

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-19-10**

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

and

**Applications for Participant Assistance/Cost Awards
in an Application by British Columbia Hydro and Power Authority
for Acceptance of Capital Expenditures relating to the
Southern St'at'imc Communities Electrification Project**

BEFORE: L.F. Kelsey, Commissioner June 10, 2010

O R D E R

WHEREAS:

- A. On December 1, 2009, British Columbia Hydro and Power Authority (BC Hydro) filed an application (the Application) for acceptance, pursuant to sections 44.2(3)(a) of the *Utilities Commission Act* (the Act) that the capital expenditures BC Hydro and the British Columbia Transmission Corporation (BCTC) anticipate making in respect of the Southern St'at'imc Communities Electrification (SSCE) Project are in the public interest; and
- B. By letter dated February 20, 2010, the BC Sustainable Energy Association and Sierra Club of British Columbia (BCSEA-SCBC) applied for Participant Assistance/Cost Award (PACA) funding for their participation in the proceeding; and
- C. On March 2, 2010, the British Columbia Old Age Pensioners' Organization *et al.* (BCOAPO) applied for PACA funding for its participation in the proceeding; and
- D. By letter dated June 7, 2010, BC Hydro commented that the BCOAPO and BCSEA-SCBC funding requests are reasonable; and
- E. By Order G-58-10 and Decision dated March 26, 2010, the Commission approved the expenditures required by BC Hydro and BCTC to complete the SSCE Project, as described in the application in the amount of \$12.1 million, are in the public interest in accordance with section 44.2(3)(a) of the Act; and

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- F. The Commission has reviewed the PACA applications with regard to the criteria and rates set out in the PACA Guidelines in Commission Order G-72-07 and has concluded that cost awards should be approved for Participants in the proceeding, as set out 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 the following for their participation in the proceeding.

<u>Participant</u>	<u>Application</u>	<u>Award</u>
BCSEA-SCBC	\$4,233.60	\$4,233.60
BCOAPO	\$5,328.75	\$5,328.75

2. BC Hydro is directed to reimburse the above-noted Participants for the Award amounts in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 10th day of June 2010.

BY ORDER

Original signed by:

L. F. Kelsey
Commissioner

Attachment



IN THE MATTER OF

**BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
SOUTHERN ST'AT'IMC COMMUNITIES ELECTRIFICATION PROJECT**

REASONS FOR DECISION

June 10, 2010

BEFORE:

L. F. Kelsey, Commissioner

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1.0 INTRODUCTION

On December 1, 2009, the British Columbia Hydro and Power Authority (BC Hydro) filed an application (the Application) for acceptance, pursuant to sections 44.2(3)(a) of the *Utilities Commission Act* (the Act) that the capital expenditures BC Hydro and the British Columbia Transmission Corporation (BCTC) anticipate making in respect of the Southern St'at'imc Communities Electrification (SSCE) Project are in the public interest.

By Order G-58-10 and Decision dated March 26, 2010, the Commission Panel approved the expenditures required by BC Hydro and BCTC to complete the SSCE Project.

As set out in the Order that accompanies these Reasons for Decision, the Commission received two applications pursuant to section 118 of the *Utilities Commission Act* for Participant Assistance/Cost Award (PACA) funding for the SSCE Project proceeding. Section 118 provides that the Commission Panel may make cost awards for participants in a proceeding. The Commission's PACA Guidelines are set out in Appendix A to Order G-72-07 and include the following provisions:

“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.

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 states that proceeding days may include workshop days, negotiation days, pre-hearing conference days, hearing days and oral argument days. The proceeding days for the SSCE Project were:

<u>Activity</u>	<u>Proceeding Days</u>
BC Hydro Workshop - December 14, 2009	0.5
Total Proceeding Days	0.5

The Guidelines provide that the Commission Panel may award costs for preparation days on a ratio of up to two days per proceeding days, although after the proceeding the Commission Panel may adjust this ratio with adequate justification from participants.

In the case of the SSCE proceeding, the Commission Panel finds that the standard calculation of preparation days is not particularly helpful for a written process. The Commission Panel determines that two additional preparation days should be included in order to reflect the time required to review the written issues.

Therefore, the Commission Panel determines that 2.5 days will be the maximum eligible for PACA funding.

3.0 INDIVIDUAL PACA APPLICATIONS AND AWARD AMOUNTS

The Commission Panel has reviewed the PACA applications and determines that the following amounts of cost awards are awarded to Participants in the SSCE Project proceeding.

BCOAPO

On March 2, 2010, the British Columbia Old Age Pensioners' Organization *et al.* (BCOAPO) applied for PACA funding for its participation in the proceeding. BCOAPO applied for 2.5 days of legal counsel fees at a cost of \$3,360 and consultant fees of \$1,968.75, for a total request of \$5,328.75.

BC Hydro did not comment on BCOAPO's budget of \$5,985.00 as outlined in the Commission's letter to BC Hydro dated February 4, 2010.

In a June 7, 2010 letter to the Commission, BC Hydro commented that BCOAPO's application for \$5,328.75 is reasonable.

BCOAPO represents ratepayer groups and participated actively and constructively in the proceeding. BCOAPO counsel did attend the Workshop. **The Commission Panel finds that BCOAPO meets all the criteria for PACA reimbursement and awards the full amount of its claim for \$5,328.75.**

BCSEA-SCBC

On February 20, 2010, the BC Sustainable Energy Association and Sierra Club of British Columbia (BCSEA-SCBC) applied for PACA funding for its participation in the proceeding. BCSEA-SCBC applied for 2.1 days of legal counsel fees at a cost of \$4,233.60.

BC Hydro did not comment on BCSEA-SCBC's budget of \$5,040.00 as outlined in the Commission's letter to BC Hydro dated February 4, 2010.

In a June 7, 2010 letter to the Commission, BC Hydro commented that BCSEA-SCBC's application for \$4,233.60 is reasonable.

BCSEA-SCBC represents energy conservation, efficiency and sustainability as well as environmental groups and participated actively and constructively in the proceeding. BCSEA-SCBC counsel did attend the Workshop. **The Commission Panel finds that BCSEA-SCBC meets all the criteria for PACA reimbursement and awards the full amount of its claim for \$4,233.60.**