



LETTER L-63-12

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Log No. 41492

VIA EMAIL

david@legalmind.ca

October 26, 2012

The Citizens for Safe Technology Society
c/o
Mr. David Aaron
Barrister & Solicitor
Box 479
Nelson, BC V1L-5R3

Dear Mr. Aaron:

Re: FortisBC Inc.
Application for a Certificate of Public Convenience and Necessity
for the Advanced Metering Infrastructure Project
Participant Funding Request

This letter is in response to your October 10, 2012 letter, filed and received by the British Columbia Utilities Commission (Commission) on October 16, 2012. The Commission recognizes your letter as a redacted version of a letter you previously sent on October 10, 2012. The Commission will accept the most recently received redacted letter as replacing the earlier letter with the same date. In your redacted letter you make the following two requests;

- 1) "We request that the Commission refrain at this time from disclosing our roster of potential expert witnesses, as listed in this correspondence and Appendix A, to Fortis or BC Hydro."
- 2) "We request that the Commission make a decision on interim funding as early as possible so as to enable the CSTS Coalition to proceed with confidence."

Regarding the first request, the Commission agrees to use the redacted letter at this time for any correspondence with FortisBC Inc. as may be requested or required according to the Participant Assistance Cost Award (PACA) Guidelines attached as Appendix A to Commission Order G-72-07. This redacted letter removes names and qualifications of potential expert witnesses from the correspondence and its Appendix A thereby addressing your first request.

Regarding the second request, the Commission refers to section 3 of the PACA Guidelines which states that,

3. Interim Award

In exceptional circumstances, the Commission Panel may approve the costs of retaining a consultant, Expert Witness/Specialist, or lawyer by a Participant under an accelerated approval

process. If an accelerated approval process is approved, one of the following reimbursement alternatives may be ordered.

- (a) reimbursement of a consultant's, Expert Witness/Specialist's, or lawyer's approved invoice, or a portion thereof, that has been received after the regulatory proceeding has begun, but may be before the proceeding has concluded; or
- (b) advance payment(s) not to exceed fifty percent of the higher of the amount actually paid by the Participant and the Budget Estimate net of those items that may not be funded as per the advice from Commission staff pursuant to Section 2.

In the case of 3(b) above, the Participant would also be required to file an application under Section 2 at the conclusion of the hearing, and the approved award, net of the advance payments, would be payable as per Section 2.

Your letter states that the CSTS Coalition constituents, described as the Citizens for Safe Technology Society (CSTS), Coalition to Stop Smart Meters per Sharon Noble, Trail individuals per Jamie Charman, Coalition to Reduce Electropollution per Hans Karow and Shonna Hayes, are "impecunious". Your letter also describes the CSTS as an incorporated society with 25,000 members. The Panel finds the assertion that the CSTS Coalition is penniless or having very little or no money,¹ as incongruent with its statement of a large membership base at least in terms of the potential for the society to seek funds for all or part of its costs in this proceeding. The Panel also notes that Commission staff replied to CSTS Coalition by letter dated October 16, 2012, indicating that the amount of funding requested by CSTS is significantly above staff's estimate for the proceeding.

The Panel is willing to accept that the CSTS Coalition may have limited funds and may need to commit to some expenditures by others outside the Coalition for which timing of payment may be an issue. Under conditions and review according to the PACA Guidelines and without prejudice to the Commission Panel's determination of any final award amount, the Commission Panel will consider approving funding of up to \$25,000 in interim award funding upon presentation to the Commission of invoices for completed work and travel for consultants/experts.

Yours truly,

Erica Hamilton

TJS/cms

¹ Definition of Impecunious from Merriam-Webster Dictionary. www.merriam-webster.com