

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



**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER F-2-14**

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**

**Applications for Participant Assistance/Cost Awards  
in the British Columbia Hydro and Power Authority  
Application for Approval of Rates between  
BC Hydro and FortisBC Inc. with regards to Rate Schedule 3808,  
Tariff Supplement No. 3 – Power Purchase and Associated Agreements,  
and Tariff Supplement No. 2 to Rate Schedule 3817**

**BEFORE:** L.A. O'Hara, Commissioner  
B.A. Magnan, Commissioner January 20, 2014  
R.D. Revel, Commissioner

**O R D E R**

**WHEREAS:**

- A. On May 24, 2013, The British Columbia Hydro and Power Authority (BC Hydro) filed an application with the British Columbia Utilities Commission (Commission) requesting approval, pursuant to sections 58 to 61 of the *Utilities Commission Act*, to replace the existing Power Purchase Agreement under Tariff Supplement No. 3 with a New Power Purchase Agreement, an Imbalance Agreement, an Energy Export Agreement and a Master Accounting Agreement, and to make associated amendments to Rate Schedule 3808. BC Hydro also requested approval for an amended and restated General Wheeling Agreement under Tariff Supplement No. 2 to Rate Schedule 3817 (RS 3808 Application);
- B. On August 1, 2013, by Order G-117-13, the Commission directed, among other things, that the RS 3808 Application be heard by way of a written hearing;
- C. On October 7, 2013, after BC Hydro filed its reply submission, the evidentiary record for the review of the RS 3808 Application closed;
- D. Subsequent to the closing of the evidentiary record the following Interveners filed applications for Participant Assistance Cost Awards (PACA Applications);

INTERVENER	REQUESTED AWARD
British Columbia Pensioners' and Seniors' Organization	\$22,211.57
Industrial Customers Group (ICG)	\$40,365.64
B.C. Sustainable Energy Association <i>et al.</i>	\$11,583.86
Commercial Energy Consumers of BC	\$17,907.75
<b>TOTAL</b>	<b>\$92,068.82</b>

**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER F-2-14**

2

- E. On December, 13, 2013 the Commission issued a letter which reopened the RS 3808 Application evidentiary record;
- F. On December 16, 2013 and January 7, 2014 the Commission issued letters to BC Hydro requesting comments on the PACA Applications. The December 16, 2013 letter noted that the PACA Applications were filed before the reopening of the evidentiary record and explained that the Commission would review any supplemental PACA Applications, if filed, independently;
- G. On January 3, 2014 and January 9, 2014 BC Hydro provided comments to the Commission on the PACA Applications; and
- H. The Commission reviewed the PACA Applications with regard to the criteria and rates set out in the PACA Guidelines in Commission Order G-72-07 and considered BC Hydro's comments.

**NOW THEREFORE** for the Reasons for Decision attached as Appendix A, pursuant to section 118(1) of the *Utilities Commission Act*, the Commission orders as follows:

1. Funding is awarded to the following Interveners for their participation in the British Columbia Hydro and Power Authority's Rate Schedule 3808 Application proceeding as follows:

INTERVENER	AWARD
British Columbia Pensioners' and Seniors' Organization	\$22,211.57
Industrial Customers Group	\$26,253.64
B.C. Sustainable Energy Association <i>et al.</i>	\$11,583.86
Commercial Energy Consumers of BC	\$17,907.75
<b>TOTAL</b>	<b>\$77,956.82</b>

2. BC Hydro is directed to reimburse the above-noted Interveners for the approved award amount in a timely manner.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 20<sup>th</sup> day of January 2014.

BY ORDER

*Original signed by*

L.A. O'Hara  
Commissioner

Attachment

Applications for Participant Assistance/Cost Awards  
in the British Columbia Hydro and Power Authority  
Application for Approval of Rates between  
BC Hydro and FortisBC Inc. with regards to Rate Schedule 3808,  
Tariff Supplement No. 3 – Power Purchase and Associated Agreements,  
and Tariff Supplement No. 2 to Rate Schedule 3817

---

REASONS FOR DECISION

---

**1.0 BACKGROUND**

The Commission Panel reviewed the four Participant Assistance Cost Award (PACA) Applications while taking into consideration the PACA Guidelines, as set out in Commission Order G-72-07, and the British Columbia Hydro and Power Authority's (BC Hydro) letter, dated January 3, 2014, providing the comments and recommendations as outlined below:

- (i) the claims are substantially consistent with the Commission PACA Guidelines established in Order G-72-07 (PACA Guidelines);
- (ii) all the PACA applicants contributed to an understanding of the RS 3808 Application and participated in the proceeding;
- (iii) the Industrial Customers Group's (ICG) PACA Application is significantly greater than the three other PACA Applications; however, ICG's contribution was comparable to the other PACA applicants;
- (iv) ICG's PACA award should be adjusted downward as determined by the Commission.

**2.0 ADJUSTMENTS TO INDIVIDUAL PACA APPLICATION AMOUNTS**

The British Columbia Pensioners' and Seniors' Organization, B.C. Sustainable Energy Association *et al*, and Commercial Energy Consumers of BC PACA Applications are all within the Guidelines set out in Order G-72-07 and no concerns were raised by BC Hydro. **Therefore, the Panel is awarding each of these Interveners the full amount of their PACA request.**

The ICG Application is largely within the Guideline set in Order G-72-07; however, as noted by BC Hydro, the requested award is considerably higher than the other PACA reward requests. The Panel is making a \$14,112 reduction to ICG's PACA request for the reasons provided below:

ICG'S PACA claim is \$40,365.64, whereas the next highest request is \$22,211.57. The main reason for the higher amount is due to ICG requesting recovery of fifteen legal counsel days while the next highest request is for eight days. It is likely that ICG was unaware of the staff estimate of eight eligible proceeding because they submitted their PACA Budget early, before the Commission determine how the RS 3808 Application proceeding would be heard, and requested to receive a staff comfort letter as soon as possible due to concerns regarding their eligibility. In the comfort letter sent to ICG, staff informed them that any comfort over the number of eligible hearing days could not be provided because the scope of the proceeding and how it would be heard had yet to be determined.

Subsequently in the comfort letters sent by Commission staff to the remaining Interveners, after it was determined that the Rate Schedule 3808 Application would be heard by way of a written hearing, it was made known to those Interveners that staff's estimate of eligible hearing days was eight, based on a written hearing with two rounds of information requests.

After reviewing the Regulatory Timetable for the proceeding the Panel considers staff's estimate of eight days to be a valid number of days for the purpose of setting the final PACA awards in view of the effort involved.

Therefore, the Commission Panel is allowing for a maximum of eight hearing days in this proceeding for PACA awards. The Panel has reduced ICG's award by \$14,112.00  $[(\$1,800 \times 7) \times 1.12]$  to account for the excess legal time claimed. The Panel has no concerns with the remaining award requested by ICG. **The Panel finds that the adjusted ICG cost award is \$26,253.64 including taxes.**