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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-14-15A**

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IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Applications for Participant Assistance/Cost Awards
in the Application by British Columbia Hydro and Power Authority
for Approval of Shore Power Rate

BEFORE: N. E. MacMurchy, Panel Chair & Commissioner
K. A. Keilty, Commissioner
B. A. Magnan, Commissioner

July 13, 2015

ORDER

WHEREAS:

- A. By Order G-72-07 dated July 5, 2007, the British Columbia Utilities Commission (Commission) approved Participant Assistance/Cost Award (PACA) Guidelines, included as Appendix A to that Order. Pursuant to the PACA Guidelines, an application for a cost award must be made by filing a written application with the Commission within thirty days following the last day of a proceeding;
- B. On April 10, 2015, the British Columbia Hydro and Power Authority (BC Hydro) filed an application for Approval of Shore Power Rate (Application). By Order G-58-15 dated April 15, 2015, the Commission established a regulatory proceeding and a preliminary regulatory timetable which included one round of information requests and a date for submissions on further review process;
- C. Five parties registered as interveners in the proceeding: the BC Sustainable Energy Association and the Sierra Club of BC (BCSEA), the Commercial Energy Consumers Association of British Columbia (CEC), Vancouver Fraser Port Authority doing business as Port Metro Vancouver, the British Columbia Old Age Pensioners' Organization *et al.* (BCOAPO) and Prince Rupert Port Authority;
- D. By letter dated May 29, 2015, the Commission informed all parties that the review should proceed on the basis of written argument which was set from June 5, 2015 to June 12, 2015;
- E. The Commission rendered its decision on the Application on June 25, 2015;
- F. Between the period June 17, 2015 and June 30, 2015, the Commission received PACA applications from the following interveners: BCSEA, BCOAPO and CEC;

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- G. Pursuant to the PACA Guidelines, BC Hydro was provided an opportunity to comment on the PACA applications. BC Hydro filed a letter of comment on July 8, 2015; and
- H. The Panel has considered the PACA applications in the context of this proceeding and the PACA Guidelines.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act* and for the reasons set out in the Reasons for Decision attached as Appendix A to this Order, the Commission orders as follows:

1. Funding is awarded to the following interveners for their participation in the Proceeding:

Intervener	Amount in Application	Participant Assistance Cost Award
BCSEA	\$3,115.88	\$3,115.88
BCOAPO	\$3,554.25	\$3,554.25
CEC	\$5,700.98	\$4,388.88

2. BC Hydro is directed to reimburse the above PACA applicants for the amounts that have been awarded in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 16th day of July, 2015.

BY ORDER

Original Signed by:

N. E. MacMurchy
Commissioner

Attachment

Applications for Participant Assistance/Cost Awards
in the British Columbia Hydro and Power Authority Application
for Approval of Shore Power Rate

REASONS FOR DECISION

British Columbia Hydro and Power Authority (BC Hydro) filed its application for Approval of Shore Power Rate on April 10, 2015. This application contained requests for approval of Rate Schedules 1280, 1891 and the Shore Power Service Agreement that is the Electric Tariff Supplement No. 86 (TS No. 86). TS No. 86 is based on the Commission approved TS No. 76 and expands Port Customer and vessel eligibility as well as the availability of service from the cruise ship season to year round service. Order G-58-15 dated April 15, 2015 established a regulatory proceeding to review the application. The proceeding that took place included one round of information requests (IRs) and a written argument phase.

Five interveners registered for the proceeding to review the Application. The interveners are: BC Sustainable Energy Association and the Sierra Club of BC (BCSEA); Commercial Energy Consumers Association of British Columbia (CEC); Vancouver Fraser Port Authority doing business as Port Metro Vancouver; the British Columbia Old Age Pensioners' Organization et al. (BCOAPO) and Prince Rupert Port Authority.

A Commission order with accompanying reasons on the application was issued on June 25, 2015.

The Commission received three Participant Assistance Cost Award (PACA) applications between the period of June 17, 2015 and June 30, 2015 from BCSEA, BCOAPO and CEC.

The PACA Guidelines discuss the eligibility requirements and criteria used in assessing the amount of an award, the process for applying for a cost award, and eligible costs and rates. The first issue the Panel will consider is whether the participant has a substantial interest in a substantial issue in the proceeding. Provided the participant meets the substantial interest in a substantial issue criterion, the Panel determines the entitlement to a full or partial award taking into account the criteria in section 1 of the PACA Guidelines including:

- 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 proceeding?
- vi. Any other matters appropriate in the circumstances.

The party being asked to pay, in this case BC Hydro, was also be given an opportunity to comment on the PACA funding applications.

BC Hydro filed its letter of comment on July 8, 2015. BC Hydro states that it "believes that the participation and contribution of [CEC] to the regulatory process and workshop was similar to that of the other Applicants and, therefore, the PACA requested by [CEC] should be adjusted accordingly. BC Hydro leaves it to the Commission's discretion as to the level of cost award to be made." (emphasis added)

The Panel considers that all the three PACA applicants are eligible for consideration of PACA awards. However, the Panel notes BC Hydro's comments that participation and contribution by applicants in the shore power rate workshop could be eligible for PACA award and considers that clarification is required. As described in the Guidelines, a proceeding begins when the Commission issues an order establishing a hearing and, in this instance, participation in the shore power rate workshop which took place on January 28, 2015 according to the Application, is not eligible for consideration in the PACA award as it took place before the proceeding began with the issuance of Order G-58-15 dated April 15, 2015.

BCSEA applied for 1.5 days of counsel's cost at \$2,700.00 based on a daily rate of \$1,800 and 0.175 day of case manager cost at \$87.50 based on a daily rate of \$500 for a total of \$3,115.88 including applicable taxes. The Panel accepts BCSEA's total invoice of \$3,115.88.

The total award for BCSEA is \$3,115.88 which is the sum of legal fees of \$3,024 (\$2,700 plus GST \$135 and PST \$189) and case manager cost of \$91.88 (\$87.50 plus GST \$4.38).

BCOAPO applied for 2.0 days of counsel's cost at \$2,688 based on a daily rate of \$1,200 and 0.66 day of consultant cost at \$825 based on a daily rate of \$1,250 for a total of \$3,554.25 including applicable taxes. The Commission Panel accepts BCOAPO's total invoice of \$3,554.25.

The total award for BCOAPO is \$3,554.25 which is the sum of legal fees of \$2,688 (\$2,400 plus GST \$120 and PST \$168) and consultant fees of \$866.25 (\$825 plus GST \$41.25).

CEC applied for 1.0375 days of counsel's cost at \$1,867.50 based on a daily rate of \$1,800 and 2.75 days of consultant cost at \$3,437.50 based on a daily rate of \$1,250 for a total of \$5,700.98 including applicable taxes.

The Panel considers CEC's contribution of understanding of the issues by the Commission to be at a level fairly similar to those submissions from BCSEA and BCOAPO. The Panel notes that while BCSEA and BCOAPO managed the participation cost by way of either delegating the tasks to their legal counsel or consultant/case manager, CEC's cost include a high degree of overlapping between the roles of counsel and consultant. In addition, the Panel also considers that a number of issues pursued by CEC in the course of IRs and Final Submission go beyond the relevance of the issues in the Application. As a result, the Panel denies the applied for 2.75 days for the consultant and is prepared to approve a reduced number of days to 1.75 days of consultant's time.

The total award for CEC is \$4,388.88 which is the sum of legal fees of \$2,091.60 (\$1,867.50 plus GST \$93.38 and PST \$130.73) and consultant fees of \$2,296.88 (\$2,187.50 plus GST \$109.38).