



ORDER NUMBER

F-11-17

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

BCOAPO Application for Reconsideration and Variance of Order G-5-17
in the matter of the British Columbia Hydro and Power Authority 2015 Rate Design Application

BEFORE:

D. M. Morton, Commissioner/Panel Chair

D. A. Cote, Commissioner

K. A. Keilty, Commissioner

on August 23, 2017

ORDER

WHEREAS:

- A. On January 20, 2017, the British Columbia Utilities Commission (Commission) issued Order G-5-17 and the accompanying decision in the matter of the British Columbia Hydro and Power Authority (BC Hydro) 2015 Rate Design Application (RDA Decision);
- B. On February 17, 2017, British Columbia Old Age Pensioners' Organization, Disability Alliance BC, Council of Senior Citizens' Organizations of BC, Tenant Resource and Advisory Centre, Active Support Against Poverty, Together Against Poverty Society and the BC Poverty Reduction Coalition (collectively, BCOAPO) filed an application for reconsideration and variance of paragraphs 14, 16 and 17 (as it relates to the late payment charges) contained within Order G-5-17 (Reconsideration Application). BCOAPO's Reconsideration Application was made pursuant to section 99 of the *Utilities Commission Act* (UCA);
- C. By letter dated February 24, 2017, the Commission established Phase One of the reconsideration process for BCOAPO's Reconsideration Application and invited submissions from BC Hydro and all registered interveners in the BC Hydro 2015 RDA proceeding to address specific questions on whether the threshold for reconsideration has been met;
- D. The Commission received submissions from BC Sustainable Energy Association and the Sierra Club of BC (BCSEA), Commercial Energy Consumers Association of British Columbia (CEC), FortisBC Energy Inc. and FortisBC Inc. (collectively, FEI), BC Hydro and Movement of United Professionals (MoveUP) and a reply submission from BCOAPO;
- E. By Order G-87-17 dated June 2, 2017, the Commission denied BCOAPO's Reconsideration Application;
- F. The following participant filed a Participant Assistance/Cost Award (PACA) application with the Commission with respect to their participation in the proceeding:

Date	Participant	Application
July 10, 2017	Commercial Energy Consumers Association of British Columbia	\$3,575.04

- G. By letter dated August 11, 2017, BC Hydro provided its comments on CEC's PACA Application and identified several concerns that it requests the panel consider in making a determination on whether to award participant funding to CEC;
- H. By letter dated August 18, 2017, CEC provided its reply comments; and
- I. The Commission has reviewed the PACA application in accordance with the criteria and rates set out in the PACA Guidelines attached to Commission Order G-97-17, and the comments received from BC Hydro and CEC, and concludes that the cost award should be approved.

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

1. Funding is awarded to the following intervener in the listed amount for their participation in BCOAPO's Application for Reconsideration and Variance of Order G-5-17 proceeding:

Participant	Award
Commercial Energy Consumers Association of British Columbia	\$3,575.04

2. BC Hydro is directed to reimburse the above-noted participant for the awarded amount in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of August 2017.

BY ORDER

Original signed by

D. M. Morton
Commissioner

Attachment

BCOAPO Application for Reconsideration and Variance of Order G-5-17
in the matter of the British Columbia Hydro and Power Authority 2015 Rate Design Application

REASONS FOR DECISION

By letter dated August 11, 2017, British Columbia Hydro and Power Authority (BC Hydro) provided its comments on the July 10, 2017 Participant Assistance/Cost Award (PACA) application from Commercial Energy Consumers Association of British Columbia (CEC). BC Hydro identifies the following concerns that it requests the panel consider in making a determination on whether to award funds to CEC:

- CEC's PACA Application references BC Hydro's 2015 Rate Design Application (RDA) and the work described in the PACA application occurred after the final order was issued in that proceeding. As noted on page 3 of the Commission's PACA Guidelines, approved by Commission Order G-97-17, costs may be awarded for work completed after a proceeding is initiated and until the Commission issues a final order.
- The work described in CEC's PACA Application is related to British Columbia Old Age Pensioners' Organization, Disability Alliance BC, Council of Senior Citizens' Organizations of BC, Tenant Resource and Advisory Centre, Active Support Against Poverty, Together Against Poverty Society and the BC Poverty Reduction Coalition's (collectively, BCOAPO) application for reconsideration and variance of Order G-5-17 (Reconsideration Application), which is a proceeding for which BC Hydro is not the applicant. BC Hydro notes that it is not aware of another example where the party being asked to pay participant costs is not the applicant.
- BC Hydro is concerned about the possibility that awarding these participant costs may set a precedent and thereby expand the expectations for BC Hydro to provide participant funding for this and other proceedings for which BC Hydro is not the applicant.

By letter dated August 16, 2017, CEC filed its reply comments and made the following three points:

- BCOAPO's Reconsideration Application is a defined appeal process pursuant to section 99 of the *Utilities Commission Act* (UCA) and the basis for reconsideration is the record of the BC Hydro 2015 RDA proceeding.
- There are many examples where the party being asked to pay is not the applicant. CEC provides several examples and notes that they reflect the objective of the Commission, the legislation, the PACA Guidelines and the broader public interest that other perspectives are brought to Commission proceedings by parties other than the utilities, who have significant funding by ratepayers.
- BC Hydro's position is not supported by the applicable legislation. Section 118 of the UCA does not require the "applicant" in a proceeding to be responsible for the costs of a participant in that proceeding. The legislation contains flexibility to ensure that the appropriate party to a proceeding pays costs in the event there is PACA funding and precedent demonstrates the Commission has seen the utility paying approved PACA costs as appropriate.

The Panel has reviewed and considered the comments received from BC Hydro and CEC. The Panel is in agreement with CEC that Section 118 of the UCA is sufficiently flexible to allow the Commission to determine the appropriate party in a proceeding to pay costs in the event there is an application for PACA. In addition, BCOAPO's Reconsideration Application was made pursuant to section 99 of the UCA and the subject of the reconsideration was the record in the BC Hydro 2015 RDA proceeding. Accordingly, the Panel considers it appropriate that BC Hydro pay the approved PACA amount.