



ORDER NUMBER
F-6-18

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

and

British Columbia Hydro and Power Authority
British Columbia Utilities Commission Inquiry Respecting Site C
Application for Participant Assistance/Cost Awards

BEFORE:

D. M. Morton, Panel Chair/Commissioner
D. A. Cote, Commissioner
K. A. Keilty, Commissioner
R. I. Mason, Commissioner

on January 19, 2018

ORDER

WHEREAS:

- A. On August 2, 2017, the Lieutenant Governor in Council (LGIC), by Order in Council (OIC) No. 244, requested the British Columbia Utilities Commission (Commission), pursuant to section 5(1) of the *Utilities Commission Act* (UCA), to advise the LGIC respecting British Columbia Hydro and Power Authority's (BC Hydro) Site C project in accordance with the terms of reference set out in section 3 of OIC No. 244 (Site C Inquiry);
- B. In accordance with section 3(g) of the terms of reference of OIC No. 244, the Commission was requested to submit to the minister charged with the administration of the *Hydro and Power Authority Act* a preliminary report outlining progress to date and preliminary findings by September 20, 2017 (Preliminary Report), and a final report including the results of the Commission's consultations, by November 1, 2017 (Final Report);
- C. By Order G-120-17 dated August 9, 2017, the Commission established the regulatory timetable for the Site C Inquiry. The Commission directed that the Site C Inquiry would not include registered interveners, but members of the public were invited to make submissions of data and analysis and to provide comments, either in writing or orally during the Commission's public consultation process. The Commission further stated that Participant Assistance/Cost Awards (PACA) would be available to support parties for their participation in the Site C Inquiry, subject to the participant's eligibility under the current PACA guidelines set out in Order G-97-17;
- D. On August 11, 2017, the Commission issued a letter establishing the process for PACA funding in the Site C Inquiry. Attached to the Commission's letter were PACA guidelines for the Site C Inquiry which were a modification of the Commission's existing PACA guidelines established by Order G-97-17 (Site C PACA Guidelines);

- E. The following participants filed PACA applications with the Commission with respect to their participation in the Site C Inquiry:

Date	Participant	Application
October 1, 2017	Boreal Centre for Sustainability	\$16,335.00
October 19, 2017	Mr. Harry Swain	\$874.58
October 24, 2017	Mr. David Vardy	\$8,799.53
October 25, 2017	Mr. Guy Dauncey	\$332.81
November 1, 2017	Mr. Marc Eliesen	\$76,079.39
November 1, 2017	Ms. Wendy Holm	\$1,134.08
November 5, 2017	Dr. Vern Ruskin	\$70,900.00
November 7, 2017	Peace Valley Landowner Association and Peace Valley Environment Association	\$156,389.43 (amounts in USD)
November 9, 2017	Mr. Lorne Thomas	\$14,300.00
November 15, 2017	Mr. Roger Bryenton	\$10,800.00
November 17, 2017	University of British Columbia Program on Water Governance	\$96,687.18
November 20, 2017	Mr. Don Flintoff	\$2,956.80
November 28, 2017	Canadian Geothermal Energy Association	\$173,043.77
November 28, 2017	Commercial Energy Consumers Association of British Columbia	\$129,539.20
November 29, 2017	BC Sustainable Energy Association	\$143,909.48
November 29, 2017	Sekw'el'was Cayoose and N'Quatqua First Nations	\$29,486.64
November 30, 2017	Mr. Kjell Liem	\$225.20
November 30, 2017	West Moberly and Prophet River First Nations	\$55,925.17
December 1, 2017	BC Public Interest Advocacy Centre	\$18,403.40
December 1, 2017	Canadian Wind Energy Association	\$38,080.00
December 1, 2017	Clean Energy Association of BC	\$221,746.00
December 1, 2017	Sierra Club of BC	\$5,397.85
December 1, 2017	Mr. Oskar Sigvaldason	\$31,357.50
December 1, 2017	Association of Major Power Customers of BC	\$85,596.00

- F. By letters dated November 23, 2017 and December 18, 2017, BC Hydro provided comments on the PACA applications;
- G. By letters dated December 6, 2017 and December 12, 2017, Mr. Eliesen, Dr. Ruskin, and the Peace Valley Landowner Association and Peace Valley Environmental Association, respectively, responded to BC Hydro's comments;

- H. On January 4, 2018 and January 10, 2018, the Commission sought clarification and additional explanation from various applicants; and
- I. The Commission has reviewed the PACA applications in accordance with the criteria and rates set out in the Site C PACA Guidelines, and makes the following determinations on cost awards.

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

1. Funding is awarded to the following participants in the listed amounts for their participation in the Site C Inquiry:

Participant	Award
Boreal Centre for Sustainability	\$0.00
Mr. Harry Swain	\$874.58
Mr. David Vardy	\$8,799.53
Mr. Guy Dauncey	\$332.81
Mr. Marc Eliesen	\$76,079.39
Ms. Wendy Holm	\$1,114.08
Dr. Vern Ruskin	\$17,725.00
Peace Valley Landowner Association and Peace Valley Environment Association	\$185,251.08
Mr. Lorne Thomas	\$3,575.00
Mr. Roger Bryenton	\$10,800.00
University of British Columbia Program on Water Governance	\$91,404.37
Mr. Don Flintoff	\$2,956.80
Canadian Geothermal Energy Association	\$173,043.77
Commercial Energy Consumers Association of British Columbia	\$129,539.20
BC Sustainable Energy Association	\$143,909.48
Sekw'el'was Cayoose and N'Quatqua First Nations	\$30,450.76
Mr. Kjell Liem	\$225.20
West Moberly and Prophet River First Nations	\$51,408.00
BC Public Interest Advocacy Centre	\$18,403.40
Canadian Wind Energy Association	\$38,080.00
Clean Energy Association of BC	\$221,746.00
Sierra Club of BC	\$5,397.85
Mr. Oskar Sigvaldason	\$0.00
Association of Major Power Customers of BC	\$85,596.00

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

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of January 2018.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachment

British Columbia Hydro and Power Authority
British Columbia Utilities Commission Inquiry Respecting Site C
Application for Participant Assistance/Cost Awards

REASONS FOR DECISION

1.0 BACKGROUND

On August 2, 2017, the Lieutenant Governor in Council (LGIC), by Order in Council (OIC) No. 244, requested the British Columbia Utilities Commission (Commission), pursuant to section 5(1) of the *Utilities Commission Act* (UCA), to advise the LGIC respecting British Columbia Hydro and Power Authority's (BC Hydro) Site C project in accordance with the terms of reference set out in section 3 of OIC No. 244 (Site C Inquiry).

The Commission, in accordance with section 3(g) of the terms of reference of OIC No. 244, was requested to submit to the minister charged with the administration of the *Hydro and Power Authority Act* a preliminary report outlining progress to date and preliminary findings by September 20, 2017 (Preliminary Report), and a final report including the results of the Commission's consultations, by November 1, 2017 (Final Report).

By Order G-120-17 dated August 9, 2017, the Commission established the regulatory timetable for the Site C Inquiry. The Commission directed that the Site C Inquiry would not include registered interveners, but members of the public were invited to make submissions of data and analysis and to provide comments, either in writing or orally during the Commission's public consultation process. The Commission further stated that Participant Assistance/Cost Awards (PACA) would be available to support parties for their participation in the Site C Inquiry, subject to the participant's eligibility under the current PACA guidelines set out in Order G-97-17.

On August 11, 2017, the Commission issued a letter establishing the process for PACA funding in the Site C Inquiry. Attached to the Commission's letter were PACA guidelines for the Site C Inquiry which were a modification of the Commission's existing PACA guidelines established by Order G-97-17 (Site C PACA Guidelines).

Applications for PACA were received from the following participants and are evaluated in these Reasons for Decision:

- Boreal Centre for Sustainability (Boreal Centre);
- Mr. Harry Swain;
- Mr. David Vardy;
- Mr. Guy Dauncey;
- Mr. Marc Eliesen;
- Ms. Wendy Holm;
- Dr. Vern Ruskin;
- Peace Valley Landowner Association and Peace Valley Environment Association (PVLA/PVEA);
- Mr. Lorne Thomas;
- Mr. Roger Bryenton;
- University of British Columbia Program on Water Governance (UBC PoWG);
- Mr. Don Flintoff;
- Canadian Geothermal Energy Association (CanGEA);
- Commercial Energy Consumers Association of British Columbia (CEC);

- BC Sustainable Energy Association (BCSEA);
- Sekw'el'was Cayoose and N'Quatqua First Nations;
- Mr. Kjell Liem;
- West Moberly and Prophet River First Nations;
- BC Public Interest Advocacy Centre (BCPIAC);
- Canadian Wind Energy Association (CanWEA);
- Clean Energy Association of BC (CEABC);
- Sierra Club of BC;
- Mr. Oskar Sigvaldason; and
- Association of Major Power Customers of BC (AMPC).

The Panel reviewed the PACA applications with consideration of the following: the Site C PACA Guidelines, BC Hydro's comments dated November 23, 2017 and December 18, 2017, Mr. Eliesen's, Dr. Ruskin's and PVLA/PVEA's responses to BC Hydro dated December 6, 2017 and December 12, 2017, respectively, and participants' responses to the Commission's requests for clarification.

2.0 SITE C PACA GUIDELINES

The Site C PACA Guidelines address eligibility requirements and criteria used to assess the amount of an award, the process for applying cost awards, and eligible costs and rates. They were modified from the PACA Guidelines established by Order G-97-17 in the following ways:

- Interim funding was not available for the Site C Inquiry;
- No calculation for "funding days" in accordance with Sections 4.1 and 4.2 of the existing PACA Guidelines was provided;
- The Commission did not accept budget estimates; and
- Final applications for cost awards were accepted up to December 1, 2017 (i.e. 30 calendar days after the publication of the Final Report).

Section 3.1 of the Site C PACA Guidelines outlines the considerations to determine participant eligibility for a cost award. The Panel will consider whether the participant:

- (a) is directly or sufficiently affected by the Commission's findings; or
- (b) has experience, information or expertise relevant to a matter before the Commission that would contribute to the Commission's findings.

Section 3.2 of the Site C PACA Guidelines describes the general characteristics of a participant in the Site C Inquiry that would meet the eligibility criterion and includes the following examples:

- (a) represents the direct interests of ratepayer groups or affected groups in relation to matters that are regulated by the Commission;
- (b) represents an interest or policy perspective relevant to the Commission's mandate and to the Site C Inquiry for which cost award eligibility is sought; or
- (c) has an interest in property that is or may potentially be affected by the Site C Inquiry.

If the participant is eligible for a cost award, the Panel then considers the following in determining the amount of a participant's cost award in accordance with section 4.2 of the Site C PACA Guidelines:

- (a) Has the participant contributed to a better understanding by the Commission of the issues in the Site C Inquiry?
- (b) To what degree will the participant be affected by the outcome of the Site C Inquiry?
- (c) Are the costs incurred by the participant fair and reasonable?
- (d) Has the participant joined with other groups with similar interests to reduce costs?
- (e) Has the participant made reasonable efforts to avoid conduct that would unnecessarily lengthen the duration of the Site C Inquiry, such as ensuring participation was not unduly repetitive?
- (f) Any other matters which the Commission determines appropriate in the circumstances.

Participants were invited to participate in the Site C Inquiry in the following ways:

- Provide written submissions of data and analysis of relevancy to the scope of the Site C Inquiry on or before August 30, 2017 for consideration in the Preliminary Report;
- Provide written comments on the Preliminary Report for consideration by the Panel in the Final Report;
- Provide written comments on the Commission's October 11, 2017 Illustrative Alternative Portfolio;
- Provide a 5-minute oral submission at the Community Input Sessions held between September 23, 2017 and October 11, 2017;
- Provide an oral submission at the First Nations Input Sessions held between September 29, 2017 and October 11, 2017; and
- If invited by the Commission, present at the Technical Presentation Sessions on October 13, 2017 and October 14, 2017.

3.0 SUMMARY OF PACA APPLICATIONS

The following table summarizes the final PACA applications by the participants:

Date	Participant	Application
October 1, 2017	Boreal Centre for Sustainability	\$16,335.00
October 19, 2017	Mr. Harry Swain	\$874.58
October 24, 2017	Mr. David Vardy	\$8,799.53
October 25, 2017	Mr. Guy Dauncey	\$332.81
November 1, 2017	Mr. Marc Eliesen	\$76,079.39
November 1, 2017	Ms. Wendy Holm	\$1,134.08
November 5, 2017	Dr. Vern Ruskin	\$70,900.00
November 7, 2017	Peace Valley Landowner Association and Peace Valley Environment Association	\$156,389.43 (amounts in USD)
November 9, 2017	Mr. Lorne Thomas	\$14,300.00

November 15, 2017	Mr. Roger Bryenton	\$10,800.00
November 17, 2017	University of British Columbia Program on Water Governance	\$96,687.18
November 20, 2017	Mr. Don Flintoff	\$2,956.80
November 28, 2017	Canadian Geothermal Energy Association	\$173,043.77
November 28, 2017	Commercial Energy Consumers Association of British Columbia	\$129,539.20
November 29, 2017	BC Sustainable Energy Association	\$143,909.48
November 29, 2017	Sekw'el'was Cayoose and N'Quatqua First Nations	\$29,486.64
November 30, 2017	Mr. Kjell Liem	\$225.20
November 30, 2017	West Moberly and Prophet River First Nations	\$55,925.17
December 1, 2017	BC Public Interest Advocacy Centre	\$18,403.40
December 1, 2017	Canadian Wind Energy Association	\$38,080.00
December 1, 2017	Clean Energy Association of BC	\$221,746.00
December 1, 2017	Sierra Club of BC	\$5,397.85
December 1, 2017	Mr. Oskar Sigvaldason	\$31,357.50
December 1, 2017	Association of Major Power Customers of BC	\$85,596.00

On November 9, 2017, the Commission sent the first of two batches of PACA applications to BC Hydro for comment. BC Hydro responded on November 23, 2017 and raised issues with certain participants' PACA Applications. BC Hydro submitted that it did not feel that the Boreal Centre made a substantive contribution to the record to support the Commission to make its findings and it took specific issue with the request for \$2,100 for the Boreal Centre to engage their Board of Directors. With regard to Dr. Ruskin, BC Hydro submitted that the preparation costs are excessive and not consistent with requests from other PACA applications, and that Dr. Ruskin's submissions did not provide any substantive analysis nor were they particularly relevant to the inquiry. With regard to Mr. Eliesen, BC Hydro also felt that the preparation costs were excessive and noted that Mr. Eliesen had the highest preparation costs of the private individuals who submitted cost award applications. BC Hydro also questioned the relevancy of Mr. Eliesen's submissions.

On December 4, 2017, the Commission sent the second batch of PACA applications to BC Hydro for comment. BC Hydro responded on December 18, 2017 that it considers the applications consistent with the Site C PACA Guidelines.

Mr. Eliesen responded to BC Hydro's comments on December 6, 2017, stating that his experience and knowledge were directly relevant to the Commission in its fulfillment of the terms of reference of OIC No. 244 and that his submissions focused on areas which he believed would provide the greatest assistance to the Commission, including an evaluation of project cost and schedule, contingency risk during construction, main civil contract risks, and pre-existing conditions relevant to the Site C project.

Dr. Ruskin responded to BC Hydro's comments on December 12, 2017, stating that the text of the submissions and the fact that the Commission cited his work eight times in the Final Report indicates that the information was useful and relevant. Dr. Ruskin further stated that the costs incurred represent a figure he would normally apply for in a process that requested his expertise, but that he views the amount as negotiable rather than a

fixed cost and requests guidance from the Commission regarding what amount would be considered fair and reasonable.

On January 4, 2018 and January 10, 2018, the Commission sought clarification and/or further explanation from various parties regarding their PACA applications.

4.0 DETERMINATION OF PACA AMOUNTS

In determining the PACA awards, the Panel assessed whether the applications were in accordance with the Site C PACA Guidelines and in particular whether each applicant contributed to the Panel's better understanding of the issues and findings made in the Site C Inquiry. The Panel notes that unlike most regulatory proceedings, no budget estimates were accepted and no estimate of funding days was provided for the Site C Inquiry. This deviation from the Commission's standard approach was primarily a consequence of the compressed timeframe afforded to the Commission under OIC No. 244 and the unique nature of the Inquiry. The Panel therefore accepts that given the complexity and breadth of the material examined in the Site C Inquiry and the timeframe in which this examination occurred, more time and expense may have been incurred by parties than would normally be expected in a regulatory proceeding.

The Panel finds that the following applicants made substantive contributions to the Site C Inquiry, contributed to the Panel's better understanding of the questions posed in the OIC No. 244 terms of reference, and the funding amounts requested are consistent with the rates established in the Site C PACA Guidelines. **The Panel therefore approves in full the following applicant's funding requests:**

Participant	Award
Mr. Harry Swain	\$874.58
Mr. David Vardy	\$8,799.53
Mr. Guy Dauncey	\$332.81
Mr. Marc Eliesen	\$76,079.39
Mr. Roger Bryenton	\$10,800.00
Mr. Don Flintoff	\$2,956.80
Canadian Geothermal Energy Association	\$173,043.77
Commercial Energy Consumers Association of British Columbia	\$129,539.20
BC Sustainable Energy Association	\$143,909.48
Mr. Kjell Liem	\$225.20
BC Public Interest Advocacy Centre	\$18,403.40
Canadian Wind Energy Association	\$38,080.00
Clean Energy Association of BC	\$221,746.00
Sierra Club of BC	\$5,397.85
Association of Major Power Costumers of BC	\$85,596.00

The Panel acknowledges BC Hydro's comments regarding Mr. Eliesen's PACA application; however, as stated previously, the Panel did not establish an estimated number of funding days in this inquiry. While the number of days applied for by Mr. Eliesen is high compared to other individual applicants, the Panel has reviewed Mr. Eliesen's detailed description of time spent on the Inquiry which was provided on January 10, 2018 in response to the Commission's request for further information, and finds his explanations to be reasonable. The Panel also disagrees with BC Hydro's statement that Mr. Eliesen's submissions were lacking relevancy and were repetitive. In particular, the Panel found Mr. Eliesen's submissions regarding project budget and schedule to be very informative and his analysis assisted the Panel in a number of the findings in the Final Report.

Both CanGEA and CEABC requested funding awards for experts at a daily rate which exceeds the maximum rate prescribed in the Site C PACA Guidelines. Section 6.8 of the Site C PACA Guidelines states that the Commission may award fees for a specialist or expert witness that exceed the maximum daily fee if the Commission determines that the specialist or expert witness services are not available at the maximum daily fee because of the specialized technical expertise required to competently address the issues. CanGEA states in its PACA application that its specialist "is a trusted advisor to many governments around the world and is currently the Lead Geothermal Project Manager, at the Geothermal Development Facility for Latin America." CEABC states in its PACA application that it commissioned an expert financial specialist to provide a report which "pointed out many of the fundamental errors being made in the existing financial assumptions and analysis." This report was submitted as part of the Site C Inquiry.

The Panel finds that CanGEA and CEABC have met the criteria outlined in Section 6.8 of the Site C PACA Guidelines, as the experts provided key information and analysis which would likely not have been obtainable from other sources at lower cost; **therefore the Panel approves the rates and funding amounts related to the specialists/expert witnesses for CanGEA and CEABC.**

The parties whose PACA applications were not approved in the above table are discussed in more detail in the remainder of these Reasons for Decision.

Ms. Wendy Holm and Sekw'el'was Cayoose and N'Quatqua First Nations

The Panel finds that Ms. Holm and Sekw'el'was Cayoose and N'Quatqua First Nations made substantial contributions to the Site C Inquiry and contributed to the Panel's better understanding of certain issues. The Panel also finds the number of funding days, the rates charged and the disbursements claimed to be reasonable. However, minor calculation errors were discovered in the Panel's review of the PACA applications and therefore the Panel directs that the PACA awards be adjusted to correct these errors.

With regard to Ms. Holm, a 7 percent GST rate was erroneously applied instead of the currently enacted 5 percent GST rate. After correcting for this error, **the Panel approves a funding award in the amount of \$1,114.08.**

With regard to the Sekw'el'was Cayoose and N'Quatqua First Nations, a calculation error was made in determining the total fees for Robert Emlyn as well as an overall summation error. After correcting for these errors, **the Panel approves a funding award in the amount of \$30,450.76.**

UBC Program on Water Governance

UBC PoWG applies for funding awards for two consultants – Richard Hendriks and Philip Raphals – plus reimbursement of various expenses. When calculating the funding amount for Mr. Hendriks and Mr. Raphals, UBC PoWG adjusted the amounts to subtract an amount related to UBC PoWG research funds and to add a 25 percent fee which it states is per UBC's Policy on Indirect Costs of Research.

The Panel finds that Mr. Hendriks' and Mr. Raphals' submissions contributed to a better understanding of various issues within the scope of the Site C Inquiry and we find the number of funding days and rates to be reasonable, as the rates are in accordance with the Site C PACA Guidelines. However, the Panel does not consider the adjustments made to the funding amounts to be appropriate. While it may be a policy of UBC to charge a certain percentage for indirect costs to research grants, the Site C PACA Guidelines do not contemplate such a charge. Further, the PACA Guidelines explicitly state the appropriate daily rate for consultants of varying years of experience and provide for the charging of GST and/or PST where applicable. **The Panel therefore excludes both the reduction related to UBC PoWG research funds and the addition of the 25 percent fee from the approved funding award and accordingly approves a total funding award of \$91,404.37.**

Boreal Centre for Sustainability

The Boreal Centre describes itself as a federally-incorporated non-profit organization with a mandate to promote sustainable community development in the Boreal eco-region and a special focus on watershed stewardship. The Boreal Centre requests approval of a \$16,335.00 cost award, which is composed of five days at a daily rate of \$1,850, three days at a daily rate of \$950, and disbursements and other costs totaling \$3,630. Included in the disbursements are \$2,100.00 for foregone earnings, which are described as being "necessary to support engagement with the Applicant (Board of Directors) for consultant report review purposes and consultations (two meetings, personal time)."

As stated previously, BC Hydro submitted that it did not feel that the Boreal Centre made a substantive contribution to the record to support the Commission in making its findings and BC Hydro took specific issue with the request for \$2,100 for the Boreal Centre to engage their Board of Directors.

The Panel agrees with BC Hydro and finds that the Boreal Centre did not make a substantive contribution to the record and did not contribute to a better understanding of the issues. In particular, the Panel notes that the Boreal Centre did not make any written submissions in the Site C Inquiry. With regard to the foregone earnings of \$2,100.00, the Panel does not consider this claim to be in accordance with the Site C PACA Guidelines. Additionally, the Boreal Centre did not provide receipts for any of the claimed disbursements, and based on the description provided for the disbursements, it is not clear to the Panel if any of the claimed disbursements were actually incurred by the applicant. **Accordingly, the Panel does not approve the Boreal Centre for Sustainability's PACA application and directs that zero funding be awarded to this applicant.**

Mr. Oskar Sigvaldason

Mr. Sigvaldason states that he has international expertise in long term comprehensive planning and development of integrated energy-infrastructure-environmental-climate change systems, including application of state of the art methodologies for deriving analytically rigorous solutions for such complex systems. Mr. Sigvaldason requests approval of a \$31,357.50 cost award, which is composed of 15 days at a daily rate of \$1,850 plus HST of 13 percent. Mr. Sigvaldason submitted two written submissions in the Site C Inquiry.

The Panel finds that Mr. Sigvaldason did not contribute to a better understanding of the questions raised in the terms of reference of OIC No. 244 and the submissions did not assist the Panel in its findings in the Final Report.

In the Panel's view, Mr. Sigvaldason's submissions were focused on planning considerations in the context of governmental policy both provincially and federally. These issues were outside the scope of the Site C Inquiry. Further, the presentation and explanatory notes submitted in Mr. Sigvaldason's October 10, 2017 submission were primarily related to the Trottier Energy Futures Project which the Panel did not find relevant when making its findings in the Final Report. **Accordingly, the Panel does not approve Mr. Sigvaldason's PACA application and directs that zero funding be awarded to this applicant.**

Dr. Vern Ruskin and Mr. Lorne Thomas

Dr. Ruskin represents himself as a consultant and expert witness specifically regarding the Columbia River Treaty. He states that he was Director Planning Division for B.C. Electric, the predecessor company of BC Hydro, and directed Peace and Columbia River engineering. He also formed his own engineering company in 1961. Dr. Ruskin requests approval of a \$70,900 cost award, which is comprised of 36 preparation days at a rate of \$1,850 per day and two inquiry days at a rate of \$2,150 per day. Dr. Ruskin made eight written submissions individually and four joint submissions. He also attended the two Community Input Sessions in Vancouver and made five-minute oral submissions at each of these sessions. These oral submissions were focussed on the potential use of the Columbia River Treaty power and the veracity of BC Hydro's total capacity estimates.

As stated previously, BC Hydro submitted that Dr. Ruskin's preparation costs are excessive and not consistent with requests from other PACA applications, and that Dr. Ruskin's submissions did not provide any substantive analysis nor were particularly relevant to the proceeding. Dr. Ruskin responded that the text of the submissions and the fact that the Commission cited his work eight times in the Final Report indicates that the information was useful and relevant. Dr. Ruskin further stated that the costs incurred represent a figure he would normally apply for in a process that requested his expertise, but that he views the amount as negotiable rather than a fixed cost and requests guidance from the Commission regarding what amount would be considered fair and reasonable.

The Panel acknowledges Dr. Ruskin's experience and knowledge of hydro-electric dams, particularly with regard to the Columbia River Treaty. Of Dr. Ruskin's eight written submissions, the Panel was able to extract some information which contributed to a better understanding of certain issues. However, overall the submissions were disorganized and difficult to comprehend and at times lacking in relevancy and supporting evidence/data. The Panel also found substantial duplication in Dr. Ruskin's submissions. Given these deficiencies and in consideration of the overall contribution to the Panel's understanding of the issues and the lack of supportable data contained in the submissions, **the Panel approves a cost award of \$17,725.00 for Dr. Ruskin, which equates to 25 percent of his requested funding amount.**

Mr. Lorne Thomas represents himself as a retired Senior Engineering Technician and Computer hardware and software specialist and states that he "translates very technical material into an easily understood format (printed or verbal) to help recipients and users make more informed decisions." Mr. Thomas states that he assisted in providing 12 easy to understand submissions including spreadsheet tables and supporting images and made a five-minute oral submission at the October 5, 2017 Community Input Session.

Eight of the written submissions referenced by Mr. Thomas relate to Dr. Ruskin's submissions, one submission was filed as a joint submission with Dr. Ruskin, and three of the submissions were joint submissions with numerous parties. It is not clear to the Panel based on these submissions what, if any, analysis or data was contributed specifically by Mr. Thomas beyond Mr. Thomas' stated assistance with the typing and preparation of the documents. Of the joint submissions, the names referenced in the actual analysis appear to be Dr. Ruskin and Mr. Bryenton, though the Panel notes that Dr. Finn's name is also affixed to the October 17, 2017 submission on the Commission's Illustrative Alternative Portfolio. **In consideration of these issues and the**

Panel's previous determination on Dr. Ruskin's funding award, the Panel approves a cost award of \$3,575.00 for Mr. Thomas, which equates to 25 percent of his requested funding amount.

PVLA/PVEA

PVLA describes itself as a membership-based society that represents "Landowners who are impacted by the Proposed Site C Dam." PVLA/PVEA requests approval of an \$11,168.55 cost award for legal counsel (inclusive of taxes and disbursements) and a \$145,223.88 USD cost award for consultants (inclusive of taxes and disbursements).

PVLA/PVEA's legal counsel claimed 3.7 days at \$2,400 per day and 1.01 days at \$960 per day. The disbursements were related to printing/photocopying and parking, which totaled \$130.95.

PVLA/PVEA retained Mr. Robert McCullough as its consultant. Mr. McCullough claimed 26.56 days at \$3,600 USD per day and 40.625 days for his associate at \$1,000 USD per day, for total consultant fees of \$136,250.00 USD. Additionally, PVLA/PVEA claimed \$8,973.88 USD for Mr. McCullough's disbursements and other costs. PVLA/PVEA, in response to the Commission's request for clarification, provided additional information on the disbursements and other costs on January 11, 2018.

The Panel considers Mr. McCullough's contributions through his numerous written submissions and presentations at the Technical Presentation Sessions to have provided substantial value to the Site C Inquiry and were critical to the Panel's better understanding of the issues. The Panel notes that Mr. McCullough's daily rate, at \$3,600 USD per day, exceeds the maximum prescribed rate for experts/specialists in the Site C PACA Guidelines; however, the Panel considers that given Mr. McCullough's knowledge and expertise regarding alternative energy, energy pricing, and various other topics, it is reasonable to accept that such expertise would not have been available at a lower cost. Accordingly, the Panel finds the daily rate to be reasonable and justified. As previously stated, no estimate of funding days was provided for the Site C Inquiry and in consideration of Mr. McCullough's substantial contribution to the Inquiry, as reflected in the Panel's references to Mr. McCullough's submissions in the Final Report, the Panel finds the funding request for professional fees reasonable.

There are a number of claims made under the disbursements and other costs, however, that the Panel considers unreasonable and not in accordance with the Site C PACA Guidelines.

Mr. McCullough has claimed \$4,362.52 USD under the line item "telephone/long distance/broadband & database." PVLA/PVEA explained in its letter dated January 11, 2018 that these costs are calculated at three percent of the Service costs. The Panel does not consider this cost to be in accordance with the Site C PACA Guidelines, as it is not a direct out of pocket expense and the Panel does not find the amount to be reasonable. **Accordingly, the Panel denies funding for the \$4,362.53 USD expense.**

Mr. McCullough has claimed \$585.90 USD for meals incurred on September 22-23, 2017 when attending the Community Input Session in Vancouver and on October 12-14, 2017 when attending the Technical Presentation Sessions in Vancouver. PVLA/PVEA further explained in its letter dated January 11, 2018 that some of the receipts included meals for Ms. Giltrow and Mr. Botterell who also provided services as co-legal counsel.

Attachment B of the Site C PACA Guidelines states that meal expenses are intended for individual participants who do not apply for professional fees, but that participants who have attended a hearing not in their immediate area may apply for meal expenses. Attachment B of the Site C PACA Guidelines also provides prescribed rates for meal expenses. While Mr. McCullough has provided receipts for all of his meal expenses, the Panel finds the amounts to exceed what is appropriate under the Site C PACA Guidelines. The Panel does not

consider it efficient given the quantum of receipts to assess each meal on an individual basis in order to determine what amount would be appropriate. **Therefore, the Panel approves meal expenses for five full days (i.e. September 22-23, 2017 and October 12-14, 2017) at the per diem rate of \$49 per day, for a total approved amount of \$245 CAD (Canadian dollars).**

Mr. McCullough has claimed \$1,718.69 for hotel/accommodations. PVLA/PVEA explained in its letter dated January 11, 2018 that the hotel expenses are broken down as follows: \$592.56 USD for one night in September and \$1,126.13 USD for two nights in October. The Panel considers these hotel expenses to be inappropriate and not in accordance with the rates outlined in the Site C PACA Guidelines. As outlined in Appendix B of the PACA Guidelines, accommodation rates are based on government rates for hotels. **Based on these rates, the Panel finds that \$200 CAD per night is reasonable for hotel costs and accordingly approves hotel expenses for three nights, for a total approved amount of \$600.00 CAD.**

With regard to the remainder of the disbursements and other costs, Mr. McCullough has provided receipts for all costs and the Panel finds these costs to be in accordance with the Site C PACA Guidelines. **Therefore, the Panel approves the full amount for these costs of \$2,306.77 USD.**

The Panel notes that the majority of the funds claimed by PVEA/PVLA are provided in US dollars. As there is no reference in the Site C PACA Guidelines to the appropriate approach to converting foreign currency applications to Canadian dollars, the Panel finds it reasonable to use the three month average exchange rate for the months of August through October, as this is the time period in which the Site C Inquiry occurred. Based on the 3-month average of August through October per the Bank of Canada, the USD to CAD exchange rate was 1.2503. When applied to Mr. McCullough's total consulting fees of \$136,250.00 USD plus the approved USD disbursements of \$2,306.77, the total approved amount in Canadian currency is \$173,237.53.

Therefore, the Panel approves a total cost award for PVEA/PVLA of \$185,251.08 CAD (i.e. \$11,168.55 legal expenses inclusive of taxes and disbursements plus \$174,082.53 consultant expenses inclusive of taxes and disbursements).

West Moberly and Prophet River First Nations

West Moberly and Prophet River First Nations have applied for a funding award for legal counsel plus reimbursement of various expenses, for a total funding claim of \$55,925.17. Mr. Gaillus, with 17 years since call, claimed 15.5 days at \$2,800 per day. The claimed disbursements and other costs total \$7,317.17. No receipts were attached to the PACA application to support the claimed disbursements and other costs. On January 4, 2018, the Commission contacted the applicant requesting supporting receipts and clarification regarding the claimed disbursements and other costs. No response has been provided to date.

The Panel finds that West Moberly and Prophet River First Nations' submissions contributed to a better understanding of various issues within the scope of the Site C Inquiry and we find the number of funding days and rates to be reasonable. **However, without supporting receipts for disbursements and other costs, the Panel is unable to assess the appropriateness of the claims and accordingly denies these expenses with the exception of the \$2,800 honorarium. The Panel therefore approves a total funding award of \$51,408.00.**

Summary of PACA approvals

The following table summarizes the PACA application and award amounts:

Participant	Application	Award
Boreal Centre for Sustainability	\$16,335.00	\$0.00
Mr. Harry Swain	\$874.58	\$874.58
Mr. David Vardy	\$8,799.53	\$8,799.53
Mr. Guy Dauncey	\$332.81	\$332.81
Mr. Marc Eliesen	\$76,079.39	\$76,079.39
Ms. Wendy Holm	\$1,134.08	\$1,114.08
Dr. Vern Ruskin	\$70,900.00	\$17,725.00
Peace Valley Landowner Association and Peace Valley Environment Association	\$156,389.43 (amounts in USD)	\$185,251.08 (amount in CAD)
Mr. Lorne Thomas	\$14,300.00	\$3,575.00
Mr. Roger Bryenton	\$10,800.00	\$10,800.00
University of British Columbia Program on Water Governance	\$96,687.18	\$91,404.37
Mr. Don Flintoff	\$2,956.80	\$2,956.80
Canadian Geothermal Energy Association	\$173,043.77	\$173,043.77
Commercial Energy Consumers Association of British Columbia	\$129,539.20	\$129,539.20
BC Sustainable Energy Association	\$143,909.48	\$143,909.48
Sekw'el'was Cayoose and N'Quatqua First Nations	\$29,486.64	\$30,450.76
Mr. Kjell Liem	\$225.20	\$225.20
West Moberly and Prophet River First Nations	\$55,925.17	\$51,408.00
BC Public Interest Advocacy Centre	\$18,403.40	\$18,403.40
Canadian Wind Energy Association	\$38,080.00	\$38,080.00
Clean Energy Association of BC	\$221,746.00	\$221,746.00
Sierra Club of BC	\$5,397.85	\$5,397.85
Mr. Oskar Sigvaldason	\$31,357.50	\$0.00
Association of Major Power Costumers of BC	\$85,596.00	\$85,596.00