



ORDER NUMBER
F-29-19

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

and

British Columbia Hydro and Power Authority
F2020 to F2021 Revenue Requirements Application
Interim Participant Assistance/Cost Award Application

BEFORE:

D. M. Morton, Panel Chair
A. K. Fung, Commissioner
E. B. Lockhart, Commissioner
R. I. Mason, Commissioner

on December 4, 2019

ORDER

WHEREAS:

- A. On February 25, 2019, the British Columbia Hydro and Power Authority (BC Hydro) filed its Fiscal 2020 to Fiscal 2021 (F2020–F2021) Revenue Requirements Application (Application) with the British Columbia Utilities Commission (BCUC) pursuant to sections 44.2, 58 to 61 and 99 of the *Utilities Commission Act* (UCA) requesting, among other things:
1. approval of a reduction of the Deferral Account Rate Rider from 5 percent to 0 percent effective April 1, 2019;
 2. approval of an increase in rates by 6.85 percent effective April 1, 2019;
 3. approval of an increase in rates by 0.72 percent effective April 1, 2020; and
 4. approval of the F2020–F2021 Open Access Transmission Tariff rates as set out in Table 9-8 of the Application effective April 1, 2019 and April 1, 2020, respectively;
- B. By Orders G-45-19, G-146-19, G-218-19, G-268-19 and G-312-19, the BCUC established and later amended a regulatory timetable for the review of the Application, which includes, among other things, four rounds of information requests (IRs) to BC Hydro, intervenor evidence and IRs on that evidence, rebuttal evidence and an oral hearing, followed by final and reply arguments from all parties;
- C. Edlira Gjoshe (Gjoshe) registered as an intervenor in the proceeding and on October 17, 2019, filed an interim Participant Assistance/Cost Award (PACA) application with the BCUC requesting \$18,060, inclusive of applicable taxes, with respect to her participation in the proceeding pursuant to the BCUC's PACA Guidelines (Interim PACA Application);

- D. On November 4, 2019, BC Hydro provided its comments regarding the Interim PACA Application and recommended that the BCUC not approve the interim cost awards. On November 20, 2019, Gjoshe provided her reply comments; and
- E. The BCUC has reviewed the Interim PACA Application and the comments submitted by BC Hydro and Gjoshe in accordance with the criteria and rates set out in the PACA Guidelines, attached to Order G-97-17, and finds that an interim cost award is warranted.

NOW THEREFORE pursuant to section 118(1) of the UCA, the BCUC orders as follows:

- 1. For the reasons outlined in Appendix A to this order, interim funding is awarded to Gjoshe in the amount of \$4,200, inclusive of applicable taxes, as an advance against the BCUC's final cost award determination after the conclusion of the proceeding.
- 2. BC Hydro is directed to pay Gjoshe the amount of the interim cost award in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this *4th* day of December 2019.

BY ORDER

Original Signed By:

D. M. Morton
Commissioner

Attachment

British Columbia Hydro and Power Authority
F2020 to F2021 Revenue Requirements Application
Interim Participant Assistance/Cost Award Application

REASONS FOR DECISION

1.0 Introduction

On February 25, 2019, the British Columbia Hydro and Power Authority (BC Hydro) filed its Fiscal 2020 to Fiscal 2021 (F2020–F2021) Revenue Requirements Application (Application) with the British Columbia Utilities Commission (BCUC or Commission). The BCUC established and later amended a regulatory timetable for the review of the Application, which includes, among other things, four rounds of information requests (IRs) to BC Hydro, intervenor evidence and IRs on that evidence, rebuttal evidence and an oral hearing, followed by final and reply arguments from all parties.¹

Edlira Gjoshe (Gjoshe) is a registered intervenor in the proceeding to review the Application and on October 17, 2019, filed with the BCUC an application for interim funding pursuant to the BCUC’s Participant Assistance/Cost Award (PACA) Guidelines (Interim PACA Application). As part of the review process for the Interim PACA Application, BC Hydro was provided an opportunity to comment and Gjoshe was provided an opportunity to reply to BC Hydro’s comments. BC Hydro’s comments and Gjoshe’s reply were received by the BCUC on November 4, 2019 and November 20, 2019, respectively.

After consideration of Gjoshe’s application for interim funding and the comments submitted by BC Hydro and Gjoshe in accordance with the criteria and rates set out in the BCUC’s PACA Guidelines, attached to Order G-97-17, the Panel found that an interim cost award was warranted.

1.1 Legislative Framework

Section 118 of the *Utilities Commission Act* states that the BCUC may order a participant in a proceeding before the BCUC to pay all or part of the costs of another participant in the proceeding.

Order G-97-17 establishes the BCUC’s PACA Guidelines. Section 5.0 of the PACA Guidelines specifies the application process, requirements, and considerations for assessing interim funding requests. Specifically, Section 5.1 states:

Participants must make an application for interim funding to the Commission. The Commission will consider eligibility and amount for interim funding applications by applying Sections 3.0 and 4.0. In addition, the Commission must be satisfied that:

- a) the participant has demonstrated a need for financial assistance; and
- b) the proceeding is lengthy.

Section 3.0 relates to participant eligibility for a cost award and Section 4.0 relates to criteria for a cost award.

¹ By Orders G-45-19, G-146-19, G-218-19, G-268-19 and G-312-19.

2.0 Interim PACA Funding for Gjoshe

On October 17, 2019, Gjoshe filed an Interim PACA Application pursuant to the BCUC's PACA Guidelines requesting interim funding of \$18,060, inclusive of applicable taxes. This represents 15 funding days at \$1,075 per funding day or 50 percent of the maximum daily rate for a "specialist." Gjoshe submits that the interim funding requested is approximately one-third of her total estimated budget to participate until the completion of the proceeding and submits that it "covers the intervener's efforts spanning from the Request to Intervene on March 21, 2019 to September 30, 2019."²

2.1 Eligibility for Interim PACA Funding

In accordance with Section 5.0 of the PACA Guidelines, in addition to applying Sections 3.0 and 4.0, the BCUC must be satisfied that: a) the participant has demonstrated a need for financial assistance; and b) the proceeding is lengthy.

With regards to the above two criteria, Gjoshe states that interim funding would allow her to continue to participate in the proceeding and that "[a] sustained lack of availability of resources due to the length of process and volume of material, would cause undue hardship and compromise her singular commitment to see the process through to conclusion."³

BC Hydro states in its comments to the Interim PACA Application that it does not support the interim award, referencing Sections 7.11 and 8.1 of the PACA Guidelines as its reasons, and suggests that the BCUC invite Gjoshe to resubmit her Interim PACA Application, providing either:

- "An explanation with regards to why professional fees instead of foregone earnings are warranted for the Applicant to participate effectively in the proceeding; or
- A revised interim cost award application based on foregone earnings, including appropriate documentation."⁴

In her reply comments, Gjoshe states she contributes integrated planning expertise to the proceeding, thus warranting professional fees being awarded by the BCUC.⁵ She states she acquired this expertise from working at the British Columbia Transmission Corporation (BCTC) and BC Hydro for over ten years. During her time at BCTC, she was an "instrumental part" of the Business Development group within Customer and Strategy Development. She further explains that this group was tasked with the implementation of the "Transmission Expansion Policy," which represents "the only Integrated Planning 'compact' developed in B.C. in the past decade or so (as it concerns the BC Hydro power system)." She submits she was one of the three "longest standing members of the BCTC Business Development group" who were "absorbed into BC Hydro" when BCTC merged with BC Hydro in 2010. She further explains that of those three members, none are currently at BC Hydro.⁶ Gjoshe also submits that BC Hydro's current Integrated Planning business group is "in its early days" and that the "acquisition of expertise requires time" especially in the utility business. She explains that "customer, power system and regulatory knowledge is often specialized – specific to the jurisdiction at hand."⁷

² Gjoshe Interim PACA Application, p. 3.

³ Gjoshe Interim PACA Application, p. 2.

⁴ BC Hydro comment, dated November 4, 2019, p. 2.

⁵ Gjoshe reply comment, dated November 20, 2019, p. 2.

⁶ Ibid., p. 1.

⁷ Ibid., p. 2.

As part of Gjoshe's reply comments, she notes that Section 7.11 of the PACA Guidelines states the BCUC has discretion to award individual participants professional fees "if it deems those fees are warranted for the individual to participate effectively."⁸

BCUC Determination

The final determinations on any award are generally made upon application for cost awards after the proceeding, and upon considering the criteria noted in the PACA Guidelines. The criteria include, among other things, whether the participant has contributed to a better understanding by the BCUC of the issues in the proceeding, whether the participant joined with other groups with similar interest to reduce costs, and whether the costs incurred are fair and reasonable.⁹ Furthermore, consultants, specialists and expert witnesses are expected to provide services related to their specialized technical expertise.¹⁰

The Panel notes that Gjoshe is not engaged by the BCUC or any other party to the proceeding as a consultant or specialist. The Panel considers that Gjoshe is presently participating in this proceeding to represent her own interests as an individual and not the interests of a group or organization. However, based on Gjoshe's submissions, the Panel recognizes that Gjoshe has particular expertise, but at this time it cannot establish whether that particular expertise has contributed to a better understanding by the Panel of the issues in the proceeding. In the Panel's view, it would be in a better position to make that determination after the conclusion of the proceeding. **Given this, the Panel finds that a cost award is warranted for Gjoshe to continue to participate effectively in this proceeding. However, until the Panel can establish whether her particular expertise has contributed to a better understanding by the Panel of the issues in the proceeding, the award will be limited to the maximum rate for an individual's participation, namely \$250 per funding day.¹¹ Therefore, the Panel awards Gjoshe interim funding of \$4,200, inclusive of applicable taxes, which represents 15 funding days at \$250 per funding day.** This interim funding constitutes an advance against the Panel's final cost award determination after the conclusion of the proceeding. As such, the Panel will make a final determination on the amount of PACA for Gjoshe upon receiving a final application for PACA after the conclusion of the proceeding.

⁸ Gjoshe reply comment, dated November 20, 2019, p. 2.

⁹ PACA Guidelines, Appendix A to Order G-97-17 dated June 15, 2017, Section 4.3.

¹⁰ Ibid., Section 7.5, 7.6, 7.7.

¹¹ Ibid., Attachment A, Section 2.