



**ORDER NUMBER  
F-33-22**

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

and

Pacific Northern Gas (N.E.) Ltd.  
2022 Revenue Requirements Application  
for the Fort St. John/Dawson Creek and Tumbler Ridge Divisions  
Participant Assistance/Cost Award Application

**BEFORE:**

A. K. Fung, KC, Panel Chair  
A. C. Dennier, Commissioner  
B. A. Magnan, Commissioner

on December 6, 2022

**ORDER**

**WHEREAS:**

- A. On November 30, 2021, Pacific Northern Gas (N.E.) Ltd. [PNG(NE)] filed its 2022 Revenue Requirements Application (RRA) with the British Columbia Utilities Commission (BCUC) for the Fort St. John/Dawson Creek (FSJ/DC) and Tumbler Ridge (TR) Divisions pursuant to sections 58 to 61 of the *Utilities Commission Act* (UCA);
- B. By Order G-379-21, as amended by Order G-56-22, the BCUC established a written public hearing process and a regulatory timetable, which included two rounds of BCUC and intervener information requests (IR), responses to IRs, as well as written final and reply arguments;
- C. British Columbia Old Age Pensioners' Organization, Active Support Against Poverty, Council of Senior Citizen's Organizations of BC, Disability Alliance BC, and Tenant Resource and Advisory Center, known collectively as BCOAPO et al. (BCOAPO) and Residential Consumer Intervener Association (RCIA) actively participated as interveners in the proceeding;
- D. On March 7, 2022, PNG(NE) filed its amended 2022 RRA;
- E. By Order G-292-22 and the decision issued concurrently dated October 21, 2022, the BCUC approved, among other things, the 2022 permanent delivery rate changes for the FSJ/DC and TR Divisions;
- F. The following participants filed Participant Assistance/Cost Award (PACA) applications with the BCUC with respect to their participation in the proceeding:

Date	Participant	Application
September 1, 2022	RCIA	\$27,478.50
October 26, 2022	BCOAPO	\$23,654.97

- G. By email dated November 3, 2022, PNG(NE) provided its comments on the PACA applications, stating that it finds the fees and expenses to be reasonable; and
- H. The BCUC has reviewed the PACA applications in accordance with the criteria and rates set out in the PACA Guidelines, attached to BCUC Order G-97-17, and determines the following cost awards should be approved.

**NOW THEREFORE** pursuant to section 118(1) of the UCA and for the reasons set out in Appendix A to this order, the BCUC orders as follows:

1. Funding is awarded to the following interveners in the listed amounts below for their participation in the PNG(NE) 2022 RRA proceeding:

Participant	Application	Award
RCIA	\$27,478.50	\$26,966.63
BCOAPO	\$23,654.97	\$23,654.97

2. PNG(NE) is directed to reimburse the above-noted participants for the awarded amounts in a timely manner.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 6<sup>th</sup> day of December 2022.

BY ORDER

*Original signed by:*

A. K. Fung, KC  
Commissioner

Attachment

Pacific Northern Gas (N.E.) Ltd.  
2022 Revenue Requirements Application  
for the Fort St. John/Dawson Creek and Tumbler Ridge Divisions  
Participant Assistance/Cost Award Application

## REASONS FOR DECISION

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### 1.0 Introduction

On November 30, 2021, Pacific Northern Gas (N.E.) Ltd. [PNG(NE)] filed its 2022 Revenue Requirements Application (RRA) with the British Columbia Utilities Commission (BCUC) for the Fort St. John/Dawson Creek (FSJ/DC) and Tumbler Ridge (TR) Divisions pursuant to sections 58 to 61 of the *Utilities Commission Act* (UCA) seeking, among other things, approval to amend its delivery rates on a permanent basis, effective January 1, 2022 (2022 RRA).

By Order G-379-21, as amended by Order G-56-22, the BCUC established a regulatory timetable and a written public hearing process for the review of the 2022 RRA. The timetable included intervener registration, filing an amended 2022 RRA, two rounds of BCUC and intervener information requests (IR), responses to IRs, as well as written final and reply arguments.

Three parties, British Columbia Old Age Pensioner's Organization, Active Support Against Poverty, Council of Senior Citizen's Organizations of BC, Disability Alliance BC, and Tenants Resource and Advisory Center, known collectively as BCOAPO et al. (BCOAPO), Residential Consumer Intervener Association (RCIA), and the District of Tumbler Ridge registered as interveners by January 31, 2022, in accordance with the regulatory timetable, with BCOAPO and RCIA actively participating in the proceeding.

On October 21, 2022, the BCUC approved, among other things, the 2022 permanent delivery rate changes for the FSJ/DC and TR Divisions.<sup>1</sup>

The BCUC received applications for Participant Assistance/Cost Award (PACA) funding from BCOAPO and RCIA with respect to their participation in the proceeding.

### 1.1 Regulatory and Legislative Framework

Section 118(1) of the UCA provides 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.

As a proceeding that commenced prior to June 30, 2022, the BCUC's Participant Assistance/Cost Award Guidelines (PACA Guidelines) apply to this proceeding.<sup>2</sup>

The PACA Guidelines as set out in Appendix A attached to BCUC Order G-97-17 dated June 15, 2017, stipulate the eligibility requirements and criteria used in assessing cost awards, including the process for applying for a cost award, eligible costs and rates.

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<sup>1</sup> Order G-292-22 dated October 21, 2022.

<sup>2</sup> Order G-178-22 dated June 30, 2022, Directive 2.

Section 3.0 of the PACA Guidelines relates to participant eligibility for a cost award. If the participant is eligible for a cost award, the Panel considers the following in determining the amount of a participant's cost award in accordance with Section 4.3 of the PACA Guidelines:

- (a) Has the participant contributed to a better understanding by the BCUC of the issues in the proceeding?
- (b) To what degree will the participant be affected by the outcome of the proceeding?
- (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 proceeding, such as ensuring participation was not unduly repetitive?
- (f) The funding day calculation for funding in accordance with Sections 4.1 and 4.2, if one is provided.
- (g) Any other matters which the BCUC determines appropriate in the circumstances.

## 1.2 PACA Applications

RCIA and BCOAPO filed their PACA applications with the BCUC with respect to their participation in the proceeding on September 1, 2022, and October 11, 2022, respectively. BCOAPO subsequently revised its PACA application and resubmitted it on October 26, 2022. The following table summarizes the cost award sought by each intervener in its respective PACA application:

Participant	Application
RCIA	\$27,478.50
BCOAPO	\$23,654.97

Pursuant to Section 14 of the PACA Guidelines, PNG(NE) was provided the opportunity to comment on the interveners' PACA applications, and by email dated November 3, 2022, PNG(NE) stated that it finds the fees and expenses to be reasonable.

The Panel has reviewed the PACA applications in accordance with the criteria and rates set out in the PACA Guidelines, and concludes that the cost award should be approved in full for BCOAPO, and that a partial cost award should be approved for RCIA. These reasons for decision explain the Panel's decision with respect to the adjustment to the funding award for RCIA.

## 2.0 RCIA

RCIA seeks a cost award of \$27,478.50 in its PACA Application, which includes:<sup>3</sup>

- 8.4 days for consultant Mr. Ryall;
- 7.1 days for consultant Mr. Mason; and
- 0.5 days for legal counsel Mr. Cass.

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<sup>3</sup> RCIA PACA Application dated September 1, 2022, pp. 6–10.

RCIA included in its PACA application a breakdown of time spent on the proceeding for all professionals noted above.<sup>4</sup> Mr. Mason’s time breakdown includes 3 hours described as “PACA Submission”.<sup>5</sup>

Subsequently, RCIA also provided signed memorandums from each professional noted above to support the daily rates claimed.<sup>6</sup>

### *Panel Determination*

The Panel, having considered the criteria in the PACA Guidelines, finds that RCIA is eligible for PACA funding as it contributed to a better understanding of the issues raised in this proceeding. However, the Panel notes that RCIA’s supporting timesheet for consultant, Mr. Mason includes 3 hours of time spent preparing its PACA submission. The Panel considers it is not reasonable for the cost award to include these costs, as they relate to matters of billing. **Therefore, the Panel awards RCIA with \$26,966.63, inclusive of applicable taxes, which is based on a reduction of 3 hours billed by Mr. Mason as a consultant. The award is calculated as follows:**

RCIA	Daily Rate	Days	Subtotal	GST	Total
Mr. Ryall - Consultant	\$1,850	8.4	\$15,540.00	\$777.00	\$16,317.00
Mr. Mason - Consultant	\$1,300	6.725 <sup>7</sup>	\$8,742.50	\$437.13	\$9,179.63
Ms. Cass - Legal Counsel	\$2,800	0.5	\$1,400.00	\$70.00	\$1,470.00
<b>Total Award</b>					<b>\$26,966.63</b>

<sup>4</sup> RCIA PACA Application dated September 1, 2022, Attachment “PNG NE 2022 RRA - RCIA Time Entries”.

<sup>5</sup> RCIA PACA Application dated September 1, 2022, Attachment “PNG NE 2022 RRA - RCIA Time Entries”, rows 30–32.

<sup>6</sup> RCIA PACA Supporting Memorandums dated November 21, 2022 and November 29, 2022.

<sup>7</sup> 6.725 days is calculated as 7.1 days less 3 hours or 0.375 days (3 hours / 8 hours), as the maximum daily fees are based on an 8 hour day in accordance with Section 7.2 of the PACA Guidelines.