



ORDER NUMBER
F-31-23

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

and

British Columbia Hydro and Power Authority
2021 Integrated Resource Plan
Interim Participant Assistance/Cost Award Application

BEFORE:

D. M. Morton, Panel Chair
C. M. Brewer, Commissioner
T. A. Loski, Commissioner
R. I. Mason, Commissioner

on August 14, 2023

ORDER

WHEREAS:

- A. On December 21, 2021, British Columbia Hydro and Power Authority (BC Hydro) filed its 2021 Integrated Resource Plan (IRP) Application with the British Columbia Utilities Commission (BCUC), pursuant to section 44.1 of the *Utilities Commission Act* (UCA) and in accordance with Order G-28-21 dated January 27, 2021;
- B. The following interveners filed Interim Participant Assistance/Cost Award (PACA) applications with the BCUC with respect to their participation in the proceeding:

Date	Participant	Application
May 7, 2023	BC Sustainable Energy Association (BCSEA)	\$99,320.55
May 16, 2023	Clean Energy BC (CEBC)	\$134,977.53

- C. By letters dated May 30, 2023 and July 12, 2023, BC Hydro provided its comments on the Interim PACA applications; and
- D. 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 concludes that partial cost awards should be approved.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, the BCUC orders as follows:

1. Interim funding is awarded to the following interveners in the listed amounts for their participation in the BC Hydro 2021 IRP proceeding, which constitutes an advance against the BCUC's final cost award determination after the conclusion of the proceeding:

Participant	Award
BCSEA	\$72,715.75
CEBC	\$67,488.77

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

DATED at the City of Vancouver, in the Province of British Columbia, this 14th day of August 2023.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachment

British Columbia Hydro and Power Authority
2021 Integrated Resource Plan
Interim Participant Assistance/Cost Award Application

REASONS FOR DECISION

1.0 Introduction

On December 21, 2021, British Columbia Hydro and Power Authority (BC Hydro) filed its 2021 Integrated Resource Plan (IRP) Application with the British Columbia Utilities Commission (BCUC), pursuant to section 44.1 of the *Utilities Commission Act* (UCA) and in accordance with Order G-28-21 dated January 27, 2021.

The following interveners filed Interim Participant Assistance/Cost Award (PACA) applications with the BCUC with respect to costs already incurred for their participation in the proceeding:

Date	Participant	Application
May 7, 2023	BC Sustainable Energy Association (BCSEA)	\$99,320.55
May 16, 2023	Clean Energy BC (CEBC)	\$134,977.53

By letter dated May 30, 2023, BC Hydro provided the following comments on BCSEA's Interim PACA Application:

BC Hydro's view, the applicant has been an active participant in the proceeding and has contributed to a better understanding by the BCUC of the issues in the proceeding. BC Hydro believes that the applicant is eligible for a cost award and has no objection to them receiving the interim PACA that they have requested.

By letter dated July 12, 2023, BC Hydro provided the following comments on CEBC's Interim PACA Application:

In BC Hydro's view, CEBC has been an active participant in the 2021 IRP Application and contributed to a better understanding by the BCUC of the issues in the proceeding. While BC Hydro believes CEBC is eligible for, and should receive, an interim cost award, we have a question regarding some of the rates in CEBC's PACA application as compared to those listed in the PACA Guidelines.

For example, BC Hydro notes that Hourly Legal Counsel rates of \$600 and \$625 have been charged; however, the PACA Guidelines state that the maximum daily fee for legal counsel with 12+ years of experience is \$2800, or an hourly rate of \$350.

1.1 PACA Guidelines

Sections 5.3 to 5.5 of the PACA Guidelines¹ (Guidelines) provide the following guidance regarding interim funding award:

5.3 Upon completion of the process set out in Sections 14.2.3 and 14.2.7, interim funding may be ordered by the Commission for: (a) costs, or a portion thereof, that have been incurred after the proceeding has begun; or (b) estimated costs not yet incurred.

5.4 Interim funding ordered by the Commission typically does not exceed 50 percent of the participant's budget estimate.

5.5 If interim funding is granted, the Commission will make a determination as to whether the amount (a) constitutes a final award for costs already incurred; or (b) constitutes an advance against the Commission's final cost award determination after the conclusion of the proceeding.

Panel Determination

The Panel has reviewed the Interim PACA Applications in accordance with the Guidelines and determines the following interim funding awards are awarded as an advance against the BCUC's final cost award determination after the conclusion of the proceeding:

- **BCSEA: \$72,715.75**
- **CEBC: \$67,488.77**

The funding awards are based on the provision in section 5.4 of the Guidelines which states that interim funding typically does not exceed 50 percent of the participant's budget estimate. The Panel notes that BCSEA filed a PACA Budget on December 15, 2023 which estimated total costs of \$145,431.50 for participation. Accordingly, the Panel determines an award representing 50% of BCSEA's budget is reasonable. CEBC did not file a PACA Budget, and therefore the Panel makes a funding award representing 50% of its Interim PACA request.

While the Panel is not making a final determination on funding sought by either intervener, we make the following observations based upon our review of the Interim PACA Applications. With respect to BCSEA's interim PACA application, the Panel observes BCSEA has incurred more than twice as many funding days for its legal counsel compared to its consultant. Section 7.1 of the PACA Guidelines states: "Legal counsel are expected to perform legal services and may be paid in accordance with the fees listed in Attachment A including the maximum daily fees, or the fees commensurate with the level of experience the Commission deems necessary for a specific task." [emphasis added] In its final PACA Application at the end of the proceeding, BCSEA may wish to provide justification for the funding days incurred by its legal counsel in consideration of section 7.1 of the Guidelines.

With respect to CEBC, as observed by BC Hydro, the daily rate incurred by CEBC's legal counsel exceeds the maximum daily fees outlined in Attachment A of the Guidelines. Additionally, CEBC's Interim PACA Application includes two individuals claiming the specialist/expert witness rate. In its final PACA Application, CEBC may wish to provide supporting justification for the daily rates sought by its legal counsel and consultants.

¹ https://docs.bcuc.com/documents/Guidelines/2021/G-97-17_BCUC_PACA-Guidelines.pdf