



ORDER NUMBER
F-39-23

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:

M. Jaccard, Panel Chair
C. M. Brewer, Commissioner
T. A. Loski, Commissioner

on October 30, 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* and in accordance with Order G-28-21 dated January 27, 2021;
- B. The following intervener filed an Interim Participant Assistance/Cost Award (PACA) Application with the BCUC with respect to its participation in the proceeding:

Date	Participant	Application
August 24, 2023	Commercial Energy Consumers of BC (the CEC)	\$242,522.70

- C. By letter dated September 14, 2023, BC Hydro provided its comments on the Interim PACA Application; and
- D. The BCUC has reviewed the Interim PACA Application in accordance with the criteria and rates set out in the PACA Guidelines, attached to BCUC Order G-97-17, and concludes that the cost award should be denied.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, the BCUC orders that CEC's Interim PACA Application is denied.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of October 2023.

BY ORDER

Original signed by:

M. Jaccard
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* and in accordance with Order G-28-21 dated January 27, 2021.

On August 24, 2023, Commercial Energy Consumers of BC (the CEC) filed an Interim Participant Assistance/Cost Award (PACA) Application with the BCUC with respect to its participation in the proceeding. The CEC requests interim funding of \$242,522.70 for costs already incurred in the proceeding.

By letter dated September 14, 2023, BC Hydro filed the following comments on CEC's Interim PACA Application:

In 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. However, BC Hydro notes that CEC is requesting to receive more than the 50% of their budget estimate as Interim PACA funding. PACA Guidelines Section 5.4 states that "Interim funding ordered by the Commission typically does not exceed 50 percent of the participant's budget estimate." BC Hydro believes that the applicant is eligible for a cost award and leaves it to the BCUC to make a final determination of the interim PACA funding that they have requested.

1.1 PACA Guidelines

The Panel has reviewed CEC's Interim PACA Application in accordance with the PACA Guidelines.¹ Section 5.1 of the PACA Guidelines 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.

Panel Determination

The Panel determines that CEC's Interim PACA Application is denied.

We acknowledge that when the CEC filed its Interim PACA Application, the future regulatory process for the 2021 IRP was uncertain. However, by Order G-291-23 dated October 26, 2023, the Panel established a regulatory timetable which provides for intervener final argument on December 21, 2023, and BC Hydro's reply argument on January 18, 2024. While acknowledging the proceeding to date has been lengthy, the Panel observes that the CEC will be able to file its final PACA Application within a few months. Since the remainder of the proceeding will not be lengthy, this provides a less compelling urgency for interim funding, and we consider

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

it less efficient for the Panel to rule upon - and BC Hydro to administer - two separate funding awards within a relatively short time period.

Notwithstanding the above, the Panel makes the following observations based upon a preliminary review of CEC's Interim PACA Application. We note that in total, CEC's Interim PACA Application includes approximately 152 funding days for its consultants, and 24 funding days for legal counsel. This represents a significant amount of time, and the Panel has concerns regarding the following:

- The volume of information requests filed by the CEC compared to other interveners;
- The extent to which CEC's information requests were within scope or unduly repetitive;
- The volume of CEC's intervener evidence;
- Time which has been incurred by CEC's consultants reviewing materials on the record of other BCUC proceedings; and
- The extent to which professional services have been used in a cost-effective manner, and the potential for duplication of effort between CEC's professionals.²

In addition to the above, our final decision on CEC's PACA at the conclusion of the proceeding will also be informed by a consideration of the extent to which CEC's intervention contributed to a better understanding of the issues in the proceeding,³ whether such contributions are proportionate to the time and costs incurred, and in turn whether the costs incurred are fair and reasonable.⁴ CEC's final PACA Application must include detailed timesheets or invoices for each of its professionals for the BCUC's review.

² See Section 7.1 of the PACA Guidelines.

³ See Section 4.2(3)(a) of the PACA Guidelines.

⁴ See Section 4.2(3)(c) of the PACA Guidelines.