



ORDER NUMBER
F-15-24

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

and

FortisBC Energy Inc.
Application for a Certificate of Convenience and Necessity
for the Interior Transmission System Transmission Integrity Management Capabilities Project
Participant Cost Award Application

BEFORE:

C. M. Brewer, Panel Chair
A. C. Dennier, Commissioner
E. B. Lockhart, Commissioner

on February 28, 2024

ORDER

WHEREAS:

- A. On September 20, 2022, FortisBC Energy Inc. (FEI) filed an application with the British Columbia Utilities Commission (BCUC) for a Certificate of Public Convenience and Necessity (CPCN) pursuant to sections 45 and 46 of the *Utilities Commission Act* for FEI's Interior Transmission System (ITS) Transmission Integrity Management Capabilities (TIMC) Project (ITS TIMC Project) (Application);
- B. By Orders G-320-22, G-48-23, G-94-23 and G-115-23, the BCUC established and amended the regulatory timetable for the review of the Application. The regulatory process included: two rounds of information requests (IRs); FEI responses to IRs; Panel IRs; intervener evidence; IRs on the intervener evidence; rebuttal evidence; IRs on the rebuttal evidence; final arguments and FEI's reply arguments;
- C. The following parties registered as interveners in the proceeding:
 - 1. BC Old Age Pensioners' Organization et al. (BCOAPO);
 - 2. Commercial Energy Consumers Association of BC (the CEC); and
 - 3. Residential Consumer Intervener Association (RCIA);
- D. By Decision and Order C-1-24, dated January 15, 2024, the BCUC granted a CPCN for the Project;
- E. The following interveners filed Participant Cost Award (PCA) applications with the BCUC with respect to their participation in the proceeding:

Date	Participant	Application
January 22, 2024	BCOAPO	\$36,460.55
December 7, 2023	the CEC	\$35,565.98
January 22, 2024	RCIA	\$70,956.64

- F. By letter dated February 5, 2024, FEI provided its comments on the PCA applications, stating that if the BCUC is satisfied that cost awards sought by the interveners meet the criteria and requirements established in the Rules of Practice and Procedure for Participant Cost Awards, FEI has no further comment; and
- G. The BCUC has reviewed the PCA applications in accordance with the criteria and rates set out in the Rules of Practice and Procedure for Participant Cost Awards, attached to BCUC Order G-72-23, and makes the following determination.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, 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, inclusive of applicable taxes, for their participation in the FEI ITS TIMC Project proceeding:

Participant	Award
BCOAPO	\$36,225.35
The CEC	\$35,565.98
RCIA	\$70,956.64

2. FEI 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 28th day of February 2024.

BY ORDER

Original signed by:

C. M. Brewer
Commissioner

Attachment

FortisBC Energy Inc.
Application for a Certificate of Convenience and Necessity
for the Interior Transmission System Transmission Integrity Management Capabilities Project
Participant Cost Award Application

REASONS FOR DECISION

1.0 Background

On September 20, 2022, FortisBC Energy Inc. (FEI) filed an application with the British Columbia Utilities Commission (BCUC) for a Certificate of Public Convenience and Necessity (CPCN) pursuant to sections 45 and 46 of the *Utilities Commission Act* for FEI's Interior Transmission System (ITS) Transmission Integrity Management Capabilities (TIMC) Project (ITS TIMC Project) (Application).

The BCUC established the regulatory timetable for the review of the Application, which included two rounds of information requests (IRs), Panel IRs, intervenor evidence, IRs on the intervenor evidence, rebuttal evidence, IRs on the rebuttal evidence, and written final and reply arguments.¹

The following parties registered as intervenors in the proceeding:

1. BC Old Age Pensioners' Organization et al. (BCOAPO);
2. Commercial Energy Consumers Association of BC (the CEC); and
3. Residential Consumer Intervenor Association (RCIA).

By Decision and Order C-1-24, dated January 15, 2024, the BCUC granted a CPCN for the Project.

The BCUC received applications for participant cost awards (PCA) from each intervenor with respect to their participation in the proceeding.

2.0 Legislative Framework

Section 118(1) of the *Utilities Commission Act* 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.

The BCUC PCA rules,² applicable to proceedings initiated since June 30, 2022, are set out in Part VI of the BCUC's Rules of Practice and Procedure.

Rule 33 of the BCUC's Rules of Practice and Procedure establishes the eligibility criteria for cost awards. A participant is eligible for a cost award in a proceeding subject to Rule 33.02, which lists the following ineligible participants:

¹ Orders G-320-22, G-48-23, G-94-23 and G-115-23.

² Established by Order G-178-22 dated June 30, 2022, and amended by Order G-72-23 dated April 3, 2023.

- (a) public utilities and other BCUC regulated entities;
- (b) municipalities and associations of municipalities;
- (c) provincial, territorial and federal government agencies;
- (d) participants that represent solely their own business interests; and
- (e) participants in a proceeding arising out of a complaint.

Rule 36.01 of the BCUC's Rules of Practice and Procedure sets out the assessment criteria for a cost award. In determining the amount of a participant's cost award, the BCUC considers each of the criteria, including those listed in Rule 36.01(c):

- (c) whether the participant has demonstrated through its participation that it has:
- i. Contributed to a better understanding by the BCUC of one or more of the issues in the proceeding;
 - ii. Made reasonable efforts to combine or coordinate its participation with that of one or more participants with similar interests, in order to avoid duplication and reduce costs;
 - iii. Engaged in conduct or activity that resulted in a more efficient and/or shorter proceeding;
 - iv. Refrained from conduct or activity that unnecessarily lengthened the duration of the proceeding or resulted in unnecessary costs;
 - v. Refrained from conduct or activities which the BCUC considers inappropriate or irresponsible;
 - vi. Made reasonable efforts to ensure participation in the proceeding, including information requests, issues raised, evidence, cross-examination, and arguments, was within the scope of the proceeding or not unduly repetitive;
 - vii. Engaged in conduct consistent with the participant's approved scope of participation in the proceeding;
 - viii. Incurred time participating in the proceeding that was proportionate to the scope of the proceeding and/or the complexity or novelty of the proceeding; and
 - ix. Complied with the BCUC's orders, directions, and rules.

3.0 PCA Applications

The following table summarizes the PCA funding sought by each intervener in its respective PCA application:

Date	Participant	Application
January 22, 2024	BCOAPO	\$36,460.55
December 7, 2023	the CEC	\$35,565.98
January 22, 2024	RCIA	\$70,956.64

By letter dated February 5, 2024, FEI provided its comments on the PCA applications, stating that if the BCUC is satisfied that cost awards sought by the interveners meet the criteria and requirements established in the PCA Rules, FEI has no further comment.

Intervenors did not provide reply comments.

Panel Determination

The Panel finds that each PCA applicant meets the eligibility criteria for cost award in this proceeding, as outlined in Rule 33.

The Panel finds the amounts in the PCA applications of the CEC and RCIA to be reasonable. However, the Panel has identified an issue with BCOAPO's PCA application, as explained below.

The Panel notes that BCOAPO included time spent reviewing the BCUC's Decision and Order C-1-24 in its PCA application.³ The Panel finds that this activity does not contribute to a better understanding of the issues in the proceeding as set out in Rule 36.01 (c)(i). **Therefore, the Panel reduces BCOAPO's cost award to exclude the time spent reviewing the BCUC's Decision and Order C-1-24 and awards \$36,225.35 to BCOAPO, inclusive of applicable taxes.**

³ 0.6 hours at \$350/hour by BCOAPO's legal counsel to "Review Panel Decision and Note to File; Draft Closing Brief for Dissemination." Total, including applicable taxes, equals \$235.20.