



ORDER NUMBER
F-22-24

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

and

Powell River Energy Inc.
Status as a Public Utility
Reconsideration of BCUC Order G-332-23
Participant Cost Award Application

BEFORE:

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

on April 15, 2024

ORDER

WHEREAS:

- A. On December 29, 2023, Powell River Energy Inc. (PREI) filed an application for reconsideration of Order G-332-23 (Reconsideration Application) with the British Columbia Utilities Commission (BCUC);
- B. By Order G-22-24 dated January 24, 2024, the BCUC established a public hearing process for the review of the Reconsideration Application. The regulatory timetable for the proceeding included public notice and an opportunity for the filing of letters of comment and PREI reply;
- C. On March 26, 2024, Energy Democracy for BC (ED4BC) filed a participant cost award (PCA) application with the BCUC with respect to its involvement in the proceeding;
- D. By Order G-91-24 dated March 27, 2024, the BCUC dismissed the Reconsideration Application; and
- E. The BCUC has reviewed the ED4BC PCA application in accordance with the criteria set out in the Rules of Practice and Procedure, attached to BCUC Order G-72-23, and makes the following determination.

NOW THEREFORE pursuant to section 118 of the *Utilities Commission Act*, and for the reasons outlined in the decision accompanying this order, the BCUC denies ED4BC's PCA application.

DATED at the City of Vancouver, in the Province of British Columbia, this 15th day of April 2024.

BY ORDER

Original signed by:

C. M. Brewer
Commissioner

Powell River Energy Inc.
Status as a Public Utility
Reconsideration of BCUC Order G-332-23
Participant Cost Award Application

DECISION

1.0 Background

On December 29, 2023, Powell River Energy Inc. (PREI), filed an application for reconsideration of Order G-332-23 (Reconsideration Application) with the British Columbia Utilities Commission (BCUC).

By Order G-22-24 dated January 24, 2024, the BCUC established a public hearing to review the Reconsideration Application. The regulatory timetable included notice of the proceeding to all registered interveners in the underlying PREI Status as a Public Utility Proceeding, and an opportunity for letters of comment and PREI reply.

Letters of comment were filed by Energy Democracy for BC (ED4BC) and the Council of Canadians by February 19, 2024. PREI filed its reply to these letters of comment on March 5, 2024.

On March 27, 2024, by Decision and Order G-91-24, the Reconsideration Application was dismissed.

2.0 Participant Cost Award Application

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 participant cost award (PCA) rules,¹ applicable to proceedings initiated since June 30, 2022, are set out in Part VI of the BCUC Rules of Practice and Procedure (Rules). The PCA rules stipulate the eligibility requirements and criteria used in assessing cost awards, including the process for applying for a cost award, eligible costs, and rates in BCUC proceedings.

Rule 32.01 states:

The BCUC may, in a proceeding, award costs to a participant or participants, determine the amount of such award, if any, and order a participant or participants to pay all or part of the costs of another participant or participants.

Rule 31.01 defines participant as:

- (a) an applicant in a proceeding; or
- (b) a party that has been granted intervener status in a proceeding.

Rule 36.01 provides that the BCUC will determine the amount of a cost award, if any, in accordance with the purpose of the PCA rules and that it will consider the applicable criteria set out under this rule.

¹ Established by Order G-178-22 dated June 30, 2022 and amended by Order G-72-23 dated April 3, 2023.

On March 26, 2024, ED4BC filed a PCA application seeking \$744.80 with respect to the letter of comment it submitted in the Reconsideration Application proceeding.²

Panel Determination

In accordance with the Rules, the BCUC may award costs to a participant or participants in a proceeding. The Rules define a “participant” as either (i) an applicant in a proceeding, or (ii) a party that has been granted intervener status in a proceeding.

In this instance, the BCUC determined that a regulatory process consisting of a written comment process was appropriate for review of the Reconsideration Application. Order G-22-24, which established the regulatory timetable for the proceeding, included letters of comment and did not include a process for intervention. As such, ED4BC was neither the applicant nor an intervener in the Reconsideration Application proceeding and therefore not a “participant” for the purposes of cost awards.³ The Panel is not persuaded that there are any circumstances present that would justify deviating from the eligibility criteria set out in the Rules, and as such the Panel finds that ED4BC is not eligible for a cost award.

Accordingly, ED4BC’s PCA application is denied.

DATED at the City of Vancouver, in the Province of British Columbia, this 15th day of April 2024.

Original signed by:

C. M. Brewer
Panel Chair

Original signed by:

M. Jaccard
Commissioner

Original signed by:

T. A. Loski
Commissioner

² ED4BC PCA application, p. 1.

³ The Panel notes that the eligibility for cost awards of non-interveners filing letters of comment was recently considered in the decision accompanying Order F-20-24. The Panel’s interpretation of eligibility under the Rules here is consistent with that decision.