



ORDER NUMBER
F-26-24

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

and

FortisBC Energy Inc.
Biomethane Energy Recovery Charge Rate Methodology and
Comprehensive Review of a Revised Renewable Gas Program
Participant Assistance/Cost Award Application

BEFORE:

D. A. Cote, Panel Chair
M. Jaccard, Commissioner

on May 15, 2024

ORDER

WHEREAS:

- A. On December 17, 2021, in accordance with British Columbia Utilities Commission (BCUC) Orders G-35-21 and G-242-21, FortisBC Energy Inc. (FEI) filed its Stage 2 Comprehensive Review and Application for Approval of a Revised Renewable Gas Program (Application);
- B. By Orders G-3-22, G-103-22, G-165-22A, G-28-23, G-86-23, G-112-23, G-142-23 and G-215-23, the BCUC established and amended a regulatory timetable for the review of the Application, which included public notice and intervener registration, two rounds of BCUC and intervener information requests (IRs) on FEI's evidence, intervener/expert evidence and FEI rebuttal evidence and related IRs, an FEI evidentiary update and related IRs, and written final and reply arguments;
- C. On March 20, 2024, by Decision and Order G-77-24, the BCUC issued its final decision on the Application;
- D. By Orders F-36-22 and F-34-23, respectively, the BCUC awarded interim Participant Assistance/Cost Award (PACA) costs to the following interveners in the listed amounts as an advance against the BCUC's final cost award determinations after the conclusion of the proceeding:

Participant	Interim Award
BrightSide Solutions Inc. (BrightSide)	\$11,396.00
BC Sustainable Energy Association (BCSEA)	\$71,418.75

- E. By Order F-19-23, the BCUC awarded interim PACA of \$5,841.37 to Citizens for My Sea to Sky Society (MS2S) as a final award for their participation in the proceeding;
- F. The following registered interveners filed final PACA applications with the BCUC with respect to their participation in the proceeding:

Date	Participant	Application
December 20, 2023 and revised on February 12, 2024	Movement of United Professionals (MoveUP)	\$20,525.12
January 9, 2024	BCSEA	\$177,610.12
January 11, 2024	Commercial Energy Consumers Association of British Columbia (the CEC)	\$68,838.88
January 12, 2024	City of Vancouver	\$129,511.20
January 12, 2024 and revised on April 11, 2024	District of North Vancouver	\$12,497.50
January 12, 2024 and revised on April 11, 2024	District of Saanich	\$12,497.50
January 12, 2024 and revised on April 15, 2024	Metro Vancouver Regional District	\$20,022.00
January 14, 2024 and revised on April 12, 2024	British Columbia Old Age Pensioners' Organization <i>et al.</i> (BCOAPO)	\$88,692.89
January 18, 2024	City of Richmond	\$71,252.21
March 27, 2024 and revised on April 5, 2024	Residential Consumer Intervener Association (RCIA)	\$66,496.41
April 5, 2024 and revised on April 10, 11, and 12, 2024	MS2S	\$2,707.61
April 9, 2024 and revised on April 15, 2024	BrightSide	\$22,792.00

- G. By letter dated April 25, 2024, FEI provided its comments on the PACA applications, stating that it has no comment in respect of the PACA applications if the BCUC is satisfied that the participants have met the eligibility requirements, that the funding days and amounts claimed are appropriate, and that the level of participation has met with the BCUC's criteria and requirements;
- 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 makes the following determinations.

NOW THEREFORE pursuant to section 118 of the *Utilities Commission Act*, and for the reasons outlined in the decision accompanying this order, the BCUC orders as follows:

- Costs are awarded to the following participants in the listed amounts, inclusive of applicable taxes, for their participation in the FEI Stage 2 Comprehensive Review and Application for Approval of a Revised Renewable Gas Program proceeding:

Participant	Award	Interim Award (Advance)	Remaining Payable
MoveUP	\$20,525.12	N/A	\$20,525.12
BCSEA	\$152,553.48	\$71,418.75	\$81,134.73
The CEC	\$68,838.88	N/A	\$68,838.88
City of Vancouver	\$129,511.20	N/A	\$129,511.20
District of North Vancouver	\$12,497.50	N/A	\$12,497.50
District of Saanich	\$12,497.50	N/A	\$12,497.50
Metro Vancouver Regional District	\$20,022.00	N/A	\$20,022.00
BCOAPO	\$88,692.89	N/A	\$88,692.89
City of Richmond	\$71,252.21	N/A	\$71,252.21
RCIA	\$66,496.41	N/A	\$66,496.41
MS2S	\$2,707.61	N/A	\$2,707.61
BrightSide	\$22,792.00	\$ 11,396.00	\$ 11,396.00

- FEI is directed to reimburse the above-noted participants for the awarded amount in a timely manner.

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

BY ORDER

Original signed by:

D. A. Cote
Commissioner

FortisBC Energy Inc.
Biomethane Energy Recovery Charge Rate Methodology and
Comprehensive Review of a Revised Renewable Gas Program
Participant Assistance/Cost Award Application

DECISION

1.0 Background

On December 17, 2021, FortisBC Energy Inc. (FEI) filed with the British Columbia Utilities Commission (BCUC) its Stage 2 Comprehensive Review and Application for Approval of a Revised Renewable Gas Program seeking approval of a revised renewable gas program for new and amended renewable gas services, including changes to its tariff, cost recovery methods, and regulatory accounting treatment (Application).

The BCUC established a written public hearing and regulatory timetables¹ for the review of the Application, which included public notice and intervener registration, two rounds of BCUC and intervener information requests (IRs) on FEI's evidence, intervener/expert evidence and FEI rebuttal evidence and related IRs, an FEI evidentiary update and related IRs, and written final and reply arguments.

On March 20, 2024, by Decision and Order G-77-24, the BCUC issued its final decision on the Application.

Out of the twenty-four registered interveners in this proceeding, the BCUC received applications for participant assistance/cost awards (PACA) from twelve interveners with respect to their participation in the proceeding. This decision addresses those twelve PACA applications as outlined in Section 3.0 below.

1.1 Interim PACA

By Orders F-36-22 and F-34-23, respectively, the BCUC awarded interim PACA to two interveners, BrightSide Solutions Inc. (BrightSide) and BC Sustainable Energy Association (BCSEA), in the listed amounts as an advance against the BCUC's final cost award determinations after the conclusion of the proceeding:

Participant	Interim Funding
BrightSide	\$11,396.00
BCSEA	\$71,418.75

The BCUC has also awarded, by Order F-19-23, interim PACA of \$5,841.37 to Citizens for My Sea to Sky Society (MS2S) as a final award for their participation in the proceeding.

2.0 Legislative Framework

Section 118 of the *Utilities Commission Act* (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.

¹ Orders G-3-22, G-103-22, G-165-22A, G-28-23, G-86-23, G-112-23, G-142-23, and G-215-23.

As a proceeding that commenced prior to June 30, 2022, the BCUC’s Participant Assistance/Cost Award Guidelines (PACA Guidelines) attached to BCUC Order G-97-17 dated June 15, 2017 are applicable to this proceeding.² Section 3.0 of the PACA Guidelines relates to participant eligibility for a cost award and Section 4.0 relates to criteria for a cost award. In accordance with section 4.3 of the PACA Guidelines, the BCUC considers the following in determining the amount of a participant’s cost award:

- (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; and
- (g) Any other matters which the BCUC determines appropriate in the circumstances.

Sections 7.0 through 13.0 of the PACA Guidelines outline the types of eligible costs that may be awarded to participants including, among other things, professional fees, disbursements, taxes and other costs.

3.0 PACA Applications

The following table summarizes the PACA costs sought by each intervener in their respective PACA applications:

² Order G-178-22, dated June 30, 2022, Directive 2.

Date	Participant	Application
December 20, 2023 and revised on February 12, 2024	Movement of United Professionals (MoveUP)	\$20,525.12
January 9, 2024	BCSEA^	\$177,610.12
January 11, 2024	Commercial Energy Consumers Association of British Columbia (the CEC)	\$68,838.88
January 12, 2024	City of Vancouver	\$129,511.20
January 12, 2024 and revised on April 11, 2024	District of North Vancouver	\$12,497.50
January 12, 2024 and revised on April 11, 2024	District of Saanich	\$12,497.50
January 12, 2024 and revised on April 15, 2024	Metro Vancouver Regional District	\$20,022.00
January 14, 2024 and revised on April 12, 2024	British Columbia Old Age Pensioners' Organization <i>et al.</i> (BCOAPO)	\$88,692.89
January 18, 2024	City of Richmond	\$71,252.21
March 27, 2024 and revised on April 5, 2024	Residential Consumer Intervener Association (RCIA)	\$66,496.41
April 5, 2024 and revised on April 10, 11, and 12, 2024	MS2S*	\$2,707.61
April 9, 2024 and revised on April 15, 2024	BrightSide^	\$22,792.00

^ Inclusive of interim PACA award

* Exclusive of interim PACA award

By letter dated April 25, 2024, FEI provided its comments on the PACA applications, stating that it has no comment in respect of the PACA applications if the BCUC is satisfied that the participants have met the eligibility requirements, that the funding days and amounts claimed are appropriate, and that the level of participation has met with the BCUC's criteria and requirements.

Panel Determination

Having considered the criteria in the PACA Guidelines, the Panel finds that all interveners in the proceeding that filed PACA applications are eligible for cost awards and contributed to a better understanding of the issues in the proceeding.

With the exception of the costs applied for by BCSEA, the Panel finds the amounts in the PACA applications to be reasonable and awards all interveners their respective costs, inclusive of applicable taxes, as applied for. FEI is directed to reimburse the interveners for the awarded amount in a timely manner. Costs awarded to Brightside are to be paid less the interim PACA costs of \$11,396.00 already awarded.

BCSEA requests a cost award of \$177,610.12, inclusive of applicable taxes, which includes \$104,397.44 for legal counsel of 33.29 funding days at a daily rate of \$2,800, among other costs.³ The Panel takes no issue with the daily rate claimed by BCSEA in respect of its legal fees, nor with BCSEA's other costs (consultants and specialist/expert witnesses). However, the Panel finds the number of days claimed for BCSEA's legal counsel to be excessive. Compared to the PACA applications filed by the other interveners, BCSEA has claimed a substantially higher number of legal counsel days that is 8 days more than the next highest claim and approximately 24 days more than the average for legal counsel.

In the Panel's view, the disparity between BCSEA's claimed legal costs and those of other interveners is not commensurate with BCSEA's contribution to the proceeding. Rather, the Panel finds BCSEA's level of contribution in the proceeding to be comparable to other interveners, and therefore an adjustment to BCSEA's legal counsel funding days is warranted. Based on the Panel's judgement, a reasonable level of legal counsel funding days for BCSEA would be equivalent to the next highest claim at 25.3 days for the regulatory effort necessary to participate fully in the proceeding. **Accordingly, the Panel awards \$152,553.48 to BCSEA, inclusive of applicable taxes, calculated as follows:**

Professional	Funding Days ⁴	Daily Rate	GST/PST (as applicable)	Award
Legal – Mr. Andrews	25.3	\$2,800	\$8,500.80	\$79,340.80
Consultant – Mr. Hackney	17.4	\$1,850	\$1,610.43	\$33,818.93
Consultant - Ms. Bourguet	14.9	\$950	N/A	\$14,131.25
Specialist/Expert Witnesses – Messrs. Neme and Grevatt	11.8	\$2,150	N/A	\$25,262.50
Total				\$152,553.48

FEI is directed to reimburse BCSEA \$81,134.73 in a timely manner, considering the interim PACA costs of \$71,418.75 already awarded.

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

Original signed by:

D. A. Cote
Panel Chair/Commissioner

Original signed by:

M. Jaccard
Commissioner

³ BCSEA PACA Application, pp. 8, 12.

⁴ Funding days in this table are rounded to one decimal place but are awarded at the full amount as applied for in respect of consultant and specialist/expert witness costs.