



ORDER NUMBER
F-29-24A

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

and

FortisBC Energy Inc.
2022 Long Term Gas Resource Plan
Participant Assistance/Cost Award Application

BEFORE:
T. A. Loski, Panel Chair

on July 18, 2024

ORDER

WHEREAS:

- A. On May 9, 2022, FortisBC Energy Inc. (FEI) filed its 2022 Long Term Gas Resource Plan (LTGRP) application (Application);
- B. The regulatory process for the review of the 2022 LTGRP included: filing of evidentiary updates by FEI in June 2022, August 2022, and February 2023; two rounds of written information requests (IRs); a procedural conference held on January 19, 2023; intervenor evidence filed by My Sea to Sky, and IRs on the intervenor evidence; rebuttal evidence filed by FEI, and IRs on the rebuttal evidence; and written final arguments by FEI and interveners, and reply argument by FEI;
- C. By Decision and Order G-78-24 dated March 20, 2024, the British Columbia Utilities Commission (BCUC) accepted FEI's 2022 LTGRP in part. The components of FEI's 2022 LTGRP pertaining to (i) investments in Liquefied Natural Gas for marine fueling and global markets, and (ii) the resiliency plan, were rejected;
- D. The following interveners filed Participant Assistance/Cost Award (PACA) applications with the BCUC with respect to their participation in the proceeding:

Date (2024)	Participant	Application
February 9	Movement of United Professionals	\$13,746.88
February 12	BC Sustainable Energy Association	\$63,598.15
February 20	District of Saanich	\$17,625.00
February 22	Commercial Energy Consumers Association of BC	\$96,415.97
February 23	BC Solar and Storage Industries Association	\$133,784.00
February 23	City of Surrey	\$30,871.87

Date (2024)	Participant	Application
March 13	My Sea to Sky	\$13,580.04
March 27	BC Old Age Pensioners' Organization et al.	\$58,460.56
March 27	Residential Consumer Intervener Association	\$92,983.81

- E. By letter dated May 21, 2024, FEI provided its comments on the PACA applications; and
- F. The BCUC has reviewed the PACA applications in accordance with the criteria and rates set out in the BCUC's PACA Guidelines, attached to Order G-97-17, and concludes that cost awards should be approved with adjustments for certain interveners.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, and for the reasons outlined in the decision accompanying this order, the BCUC orders as follows:

1. Funding is awarded to the following interveners in the listed amounts for their participation in the FEI 2022 LTGRP proceeding:

Participant	Award
Movement of United Professionals	\$13,678.88
BC Sustainable Energy Association	\$63,598.15
Commercial Energy Consumers Association of BC	\$72,311.98
BC Solar and Storage Industries Association	\$66,892.00
My Sea to Sky	\$13,580.04
BC Old Age Pensioners' Organization et al.	\$58,460.56
Residential Consumer Intervener Association	\$69,737.86

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 8th day of October 2024.

BY ORDER

Original signed by:

T. A. Loski
Commissioner

FortisBC Energy Inc.
2022 Long Term Gas Resource Plan
Participant Assistance/Cost Award Application

DECISION

1.0 Introduction

On May 9, 2022, FortisBC Energy Inc. (FEI) filed its 2022 Long Term Gas Resource Plan (LTGRP) with the British Columbia Utilities Commission (BCUC) pursuant to section 44.1(2) of the *Utilities Commission Act* (UCA) (Application). FEI sought an order from the BCUC accepting the 2022 LTGRP as being in the public interest.

The regulatory process for the review of the 2022 LTGRP included: filing of evidentiary updates by FEI in June 2022, August 2022, and February 2023; two rounds of written information requests (IRs); a procedural conference held on January 19, 2023; intervener evidence filed by My Sea to Sky, and IRs on the intervener evidence; rebuttal evidence filed by FEI, and IRs on the rebuttal evidence; and written final arguments by FEI and interveners, and reply argument by FEI. By Decision and Order G-78-24 dated March 20, 2024, the BCUC accepted FEI's 2022 LTGRP in part.

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

Date (2024)	Participant	Application
February 9	Movement of United Professionals	\$13,746.88
February 12	BC Sustainable Energy Association	\$63,598.15
February 20	District of Saanich	\$17,625.00
February 22	Commercial Energy Consumers Association of BC	\$96,415.97
February 23	BC Solar and Storage Industries Association	\$133,784.00
February 23	City of Surrey	\$30,871.87
March 13	My Sea to Sky	\$8,540.04
March 27	BC Old Age Pensioners' Organization et al.	\$58,455.30
March 27	Residential Consumer Intervener Association	\$92,983.81

By letter dated May 21, 2024, FEI provided the following comments on the PACA applications:

FEI notes that there is a wide disparity among the PACA applications in terms of the hours claimed for both legal and consultant services and the resulting total amounts applied for.

However, having reviewed 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, then FEI has no further comment.

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.¹ Accordingly, the Panel has reviewed the PACA applications in accordance with the PACA Guidelines. Section 4.3 of the PACA Guidelines provides a list of factors the BCUC will consider in determining the amount of a participant's cost award. The Panel has considered and assessed the PACA applications in light of all of the factors set out in section 4.3, and considers the following factors to be particularly relevant in the present circumstances:

- Has the participant contributed to a better understanding by the BCUC of the issues in the proceeding?
- Are the costs incurred by the participant fair and reasonable?
- 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?
- Any other matters which the Commission determines appropriate in the circumstances.

In the remainder of this decision, the Panel provides its determination on each of the interveners' PACA applications, including an explanation for the adjustments made to the funding awards where applicable.

2.0 Determinations on Intervener PACA Applications

2.1 Movement of United Professionals (MoveUp)

MoveUP's PACA application of \$13,746.88 is comprised of 4.1525 funding days for its legal counsel J. Quail.

Panel Determination

The Panel determines that MoveUP is awarded \$13,678.88. The Panel observes the invoices for J. Quail include 0.2 hours claimed for preparing a PACA Budget (equating to \$68). Costs for preparing PACA budgets and PACA applications are not generally included in cost awards, and have previously been disallowed by the BCUC.² The Panel has no other concerns with MoveUP's PACA application, and accordingly the Panel determines MoveUP is awarded \$13,678.88, which represents a reduction of \$68 from the amount applied for.

2.2 BC Sustainable Energy Association (BCSEA)

BCSEA's PACA application of \$63,598.15 is comprised of:

- 13.9 days for its legal counsel W. Andrews; and
- 10.3 days for its consultant T. Hackney.

Panel Determination

The Panel determines that BCSEA is awarded \$63,598.15. The Panel considers the time incurred to be reasonable, and does not identify concerns regarding BCSEA's overall cost award.

2.3 District of Saanich

Saanich's PACA application of \$17,625 is comprised of 9.375 funding days for its consultant C. Lusztig.

¹ Order G-178-22, dated June 30, 2022, Directive 2.

² E.g. Order F-27-22, F-1-23A, F-26-23, F-27-24.

Panel Determination

The Panel determines that Saanich's PACA application is denied in full. The Panel observes that under the BCUC's Participant Cost Awards (PCA) Rules, municipalities and associations of municipalities are not eligible for funding.³ While the PCA Rules do not apply to this proceeding, the Panel finds that a similar principle should apply. The Panel views that municipal taxpayers should not be funding municipal interests as represented in this proceeding, and it is not appropriate for these interests to be subsidized by utility ratepayers. Consistent with the BC Hydro 2021 Integrated Resource Plan proceeding,⁴ the Panel determines it is not reasonable to award funding to municipalities for participation in the 2022 LTGRP proceeding.

2.4 Commercial Energy Consumers Association of BC (the CEC)

The CEC's PACA application of \$96,415.97 is comprised of:

- a combined 8.7625 funding days for its legal counsel C. Weafer and P. Weafer; and
- a combined 56.75 funding days for its consultants D. Craig, Janet Rhodes, and Edlira Gjoshe, primarily incurred by E. Gjoshe.

Panel Determination

The Panel determines that the CEC is awarded \$72,311.98, which is a reduction of 25 percent of the funding award applied for.

The Panel observes that the CEC made use of a lower cost consultant (E. Gjoshe). However, the CEC's PACA application was among the highest for this proceeding. After reviewing the breakdown of time incurred, the Panel views the CEC's funding request as excessive, mainly due to an ineffective use of its consultants. The total number of days incurred, which included 10 days on IRs and 24 days on final argument, is very high and not reasonable. In particular, the Panel views that CEC's argument did not contribute to the proceeding proportionally to the amount of time spent and funding requested, and contained excessive and unhelpful repetition of evidence from the proceeding. Accordingly, the Panel concludes a reduction of 25 percent of the funding award applied for is fair and reasonable.

2.5 BC Solar and Storage Industries Association (BCSSIA)

BCSSIA's PACA application of \$133,784 is comprised of 20 funding days for its counsel D. Austin, and 36 funding days for its consultant J. Weimer.

Panel Determination

The Panel determines that BCSSIA is awarded \$66,892.00, which is a reduction of 50 percent of the funding award applied for.

BCSSIA did not file a breakdown of time for its professionals in its PACA application, and therefore the Panel's determination on costs is based on the Panel's overall observations regarding BCSSIA's participation and contributions to the proceeding. While BCSSIA did provide some value in this proceeding, the Panel observes that BCSSIA's intervention was primarily focused on a small number of issues in the context of the overall LTGRP proceeding. The Panel views the time incurred by BCSSIA as excessive given the limited scope of these issues, and that BCSSIA's contributions to the proceeding are not proportionate with its total costs. Further, the Panel observes that the overall costs incurred by BCSSIA are considerably higher than other interveners whose participation covered a much broader scope.

³ Rule 33.02, <https://www.ordersdecisions.bcuc.com/bcuc/orders/en/521582/1/document.do>

⁴ Order F-27-24.

Based on the foregoing reasons, the Panel concludes a reduction of 50 percent of the funding award applied for is fair and reasonable.

2.6 City of Surrey

Surrey's PACA application of \$30,871.87 is comprised of 16.7 funding days for its consultants S. Moss and R. McCann.

Panel Determination

The Panel determines that Surrey's PACA application is denied in full. As noted above with respect to the Saanich PACA application, the Panel views that it is not reasonable to award funding to municipalities in the 2022 LTGRP proceeding.

2.7 My Sea to Sky (MS2S)

MS2S's PACA application of \$13,580.04 is comprised of 3.125 funding days for its legal counsel E. Hume and 8 funding days for its consultant E. Finn.

Panel Determination

The Panel determines that MS2S is awarded \$13,580.04. The Panel considers the time incurred to be reasonable, and does not identify concerns regarding MS2S's overall cost award.

2.8 BC Old Age Pensioners' Organization et al. (BCOAPO)

BCOAPO's PACA application of \$58,460.56 is comprised of 7.565 funding days for its legal counsel L. Worth, I. Mis and R. Kimmett; and 18.625 days for its consultant D. Rainkie.

Panel Determination

The Panel determines that BCOAPO is awarded \$58,460.56. The Panel considers the time incurred to be reasonable, and does not identify concerns regarding BCOAPO's overall cost award.

2.9 Residential Consumer Intervener Association (RCIA)

RCIA's PACA application of \$92,983 is comprised of 2.74 days for its legal counsel S. Hombach, and a total of 43 days for five consultants.

Panel Determination

The Panel determines that RCIA is awarded \$69,737.86, which is a reduction of 25 percent of the funding award applied for.

The Panel views RCIA's overall time and costs to be excessive in the context of its contributions to the proceeding. Overall, the Panel finds that RCIA contributed only moderate value to the BCUC's understanding of key issues in the proceeding, and the Panel did not place significant weight on RCIA's submissions in its determinations on the 2022 LTGRP. For example, the Panel notes that RCIA's final submissions were fairly limited in scope and did not address several key issues in the proceeding, including the requirements of section 44.1 of the UCA, demand forecasting, and pillars 3 and 4 of FEI's Clean Growth Pathway.

RCIA's PACA application indicates that RCIA incurred over 20 days on IRs and over 11 days on final argument and reply. Upon review of both the volume and relative contribution of the respective filings by RCIA, the Panel views this time to be unreasonably high. RCIA utilized five consultants for this proceeding, of which the majority of time was divided among S. Mason and B. Ryall. The Panel is also concerned that RCIA has not made cost-effective use of its consulting resources and that duplication of effort may have occurred between its consultants, which is reflected in the high number of funding days on certain tasks.

Additionally, the Panel notes that the daily rates for each of RCIA's consultants are slightly above the maximum daily fees in the PACA Guidelines,⁵ resulting in a funding request that is \$1,301.34 higher than permitted.

Based on the foregoing, the Panel determines that a reduction in the overall funding of 25 percent represents a fair and reasonable award that is proportionate to RCIA's overall contributions to a better understanding of issues in the proceeding.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of July 2024.

Original signed by:

T. A. Loski
Panel Chair/Commissioner

⁵ RCIA appears to have applied the maximum fees permitted by the PCA Rules, which are not applicable to this proceeding.