



**ORDER NUMBER**  
**F-34-24**

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

and

British Columbia Hydro and Power Authority  
Mica Unit 1 to 4 Circuit Breakers Replacement Project  
Participant Cost Award Application

**BEFORE:**

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

on October 16, 2024

**ORDER**

**WHEREAS:**

- A. On March 5, 2024, British Columbia Hydro and Power Authority (BC Hydro) filed an application (Application) with the British Columbia Utilities Commission (BCUC) for acceptance of a schedule of capital expenditures that BC Hydro anticipates making for implementation of the Mica Unit 1 to 4 Circuit Breakers Replacement Project (Project);
- B. By Order G-101-24, dated April 5, 2024, the BCUC established a regulatory timetable for the review of the Application, which consisted of public notice, intervener registration, one round of information requests, letters of comment, and final and reply arguments;
- C. Commercial Energy Consumers Association of British Columbia (the CEC), Residential Consumer Intervener Association (RCIA) and British Columbia Old Age Pensioners' Organization et al. (BCOAPO) registered as interveners in the proceeding;
- D. By Order G-224-24 dated August 20, 2024, the BCUC accepted BC Hydro's capital expenditure schedule 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
August 27, 2024	The CEC	\$12,226.24
August 27, 2024	BCOAPO	\$9,230.27
September 12, 2024	RCIA	\$13,761.55

- F. By letter dated September 24, 2024, BC Hydro provided its comments on the PCA applications; 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 concludes that the cost awards should be approved with adjustments for certain interveners.

**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:

- 1. Costs are awarded to the following interveners in the listed amounts for their participation in the Mica Unit 1 to 4 Circuit Breakers Replacement Project proceeding:

Participant	Award
The CEC	\$12,226.24
BCOAPO	\$9,230.27
RCIA	\$12,385.40

- 2. BC Hydro 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 16<sup>th</sup> day of October 2024.

BY ORDER

*Original signed by:*

T. A. Loski  
Commissioner

British Columbia Hydro and Power Authority  
Mica Unit 1 to 4 Circuit Breakers Replacement Project

**DECISION**

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## **1.0 Introduction**

On March 5, 2024, British Columbia Hydro and Power Authority (BC Hydro) filed an application (Application) with the British Columbia Utilities Commission (BCUC) for acceptance of a schedule of capital expenditures that BC Hydro anticipates making for implementation of the Mica Unit 1 to 4 Circuit Breakers Replacement Project (Project).

By Order G-101-24, dated April 5, 2024, the BCUC established a regulatory process for the review of the Application, which included, among other things, one round of written information requests (IRs) and written final and reply arguments. The BCUC ordered that the scope of IR No. 1 be limited to specific topics outlined in Appendix C of Order G-101-24 and that interveners be limited to a maximum number of 30 IRs inclusive of sub-questions.<sup>1</sup>

Three parties registered as interveners in this proceeding: British Columbia Old Age Pensioners' Organization et al. (BCOAPO); Commercial Energy Consumers Association of British Columbia (the CEC); and Residential Consumer Intervener Association (RCIA).

On August 20, 2024, by Order G-224-24, the BCUC accepted the expenditure schedule for the Project.

The BCUC received applications for Participant Cost Awards (PCA) from all three interveners with respect to their participation in the proceeding.

## **2.0 Legislative and Regulatory Framework**

Section 118(1) 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.

The BCUC's rules applicable to PCA are set out in Part VI of BCUC's Rules of Practice and Procedure (Rules).<sup>2</sup>

Rule 36.01 provides in part that the BCUC will so far as applicable, consider the following criteria when determining a cost award:

- a. whether such costs were necessarily and properly incurred in the conduct of the proceeding;
- b. whether such costs are reasonable;
- 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;

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<sup>1</sup> G-101-24, Directive 2.

<sup>2</sup> Order G-72-23, dated April 3, 2023.

- 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.
- d. any other matter the BCUC determines appropriate in the circumstances.

### 3.0 PCA Applications

The following table summarizes the cost awards sought by the interveners in their respective PCA applications:

Date	Participant	Application
August 27, 2024	The CEC	\$12,226.24
August 27, 2024	BCOAPO	\$9,230.27
September 12, 2024	RCIA	\$13,761.55

The following summarizes the total hours claimed by the interveners as provided in their respective PCA applications:

- The CEC: 48 hours
- BCOAPO: 29.4 hours
- RCIA: 72.65 hours

By letter dated September 24, 2024, BC Hydro provided its comments on the PCA applications, pursuant to Rule 35.03 (b) of the Rules. In BC Hydro's view, the interveners were active participants and contributed to a better understanding by the BCUC of the issues in the proceeding. BC Hydro believes that all of the interveners are eligible for a cost award and has no objection to them receiving the cost awards they have requested.

#### *Panel Determination*

The Panel has reviewed the PCA applications in accordance with the PCA Rules. The Panel is satisfied that all participants are eligible for a cost award in accordance with Rule 33.01 and all have contributed to a better understanding of the issues in this proceeding.

**The Panel determines that the CEC is awarded \$12,226.24 and BCOAPO is awarded \$9,230.27 as applied for.** The Panel considers the CEC's and BCOAPO's respective PCA applications to be reasonable.

**The Panel determines that RCIA is awarded \$12,385.40, which is a reduction of 10 percent of the cost award applied for.**

As noted above, the Panel considers that RCIA contributed to a better understanding of the issues in the proceeding. However, the Panel does not consider RCIA's cost claim to be proportionate to the scope and complexity of the proceeding nor is it proportionate to RCIA's overall contribution to a better understanding of issues in the proceeding. The Panel considers that claiming costs related to 72.65 hours, which is the equivalent of over nine person days, to participate in this proceeding is excessive in light of the scope of review that the Panel set out in Order G-101-24. Further, the Panel considers that six of RCIA's IRs<sup>3</sup> were entirely or partially out of the scope of the proceeding. In consideration of the above, the Panel determines that an overall reduction of 10 percent to the cost claim as applied for is fair and reasonable.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 16th day of October 2024.

*Original signed by:*

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T. A. Loski  
Panel Chair

*Original signed by:*

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M. Jaccard  
Commissioner

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<sup>3</sup> Exhibit B-5, RCIA IRs 1.2.1, 1.2.2, 1.3.2 1.6.1, 1.10.3, and 1.16.1.