



ORDER NUMBER

G-192-25

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Utilities Commission
Amendments to the Rules of Practice and Procedure

BEFORE:

M. Jaccard, Commissioner

on August 7, 2025

ORDER

WHEREAS:

- A. By letter dated June 10, 2025, the British Columbia Utilities Commission (BCUC) issued various proposed amendments to its Rules of Practice and Procedure (Proposed Rules);
- B. By the same letter, the BCUC invited regulated entities, recent interveners, gas marketers, common carriers, registrants of Mandatory Reliability Standards, First Nations organizations, and the BC government to provide comments on the Proposed Rules;
- C. The BCUC's jurisdiction to make rules respecting its practice and procedure is set out in section 11 of the *Administrative Tribunals Act*, which provides:

Subject to an enactment applicable to the tribunal, the tribunal has the power to control its own processes and may make rules respecting practice and procedure to facilitate the just and timely resolution of the matters before it;

- D. By Order G-296-24 dated November 14, 2024, the most recent updates to the BCUC's Rules were adopted;
- E. By July 3, 2025, the BCUC received eleven responses providing comments on the Proposed Rules; and
- F. The BCUC has considered the responses and comments from all parties and finds that adopting the Proposed Rules with some additional amendments (New Rules) is warranted.

NOW THEREFORE in accordance with sections 2.1 of the *Utilities Commission Act* and section 11 of the *Administrative Tribunals Act*, the BCUC orders as follows:

- 1. The New Rules, attached as Appendix A to this Order, are made effective immediately, subject to Directive
- 2. A blacklined version of the Rules are attached as Appendix B for convenience.

2. The updated rates for professional services set out in Attachment A to the New Rules apply to proceedings initiated on or after the date of this Order. For proceedings initiated before the date of this Order but after June 30, 2022, the rates for professional services set out in Attachment A to the Rules adopted by the BCUC in Order G-296-24 apply.
3. The amended Confidentiality Declaration and Undertaking Form, attached as Appendix C to this Order, is made effective immediately for all BCUC proceedings.
4. The amended Participant Cost Award application forms, attached as Appendices D and E to this Order, are made effective immediately for all BCUC proceedings.
5. The BCUC's Participant Assistance/Cost Award Guidelines continue to apply to all BCUC proceedings commenced prior to June 30, 2022, as set out in the directives of Order G-178-22.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of August 2025.

BY ORDER

Electronically signed by Mark Jaccard

M. Jaccard
Commissioner

DECISION

1.0 Introduction

The British Columbia Utilities Commission (BCUC) has established Rules of Practice and Procedure (Rules), which apply to parties participating in matters before the BCUC. Through periodic reviews, the BCUC aims to ensure the Rules are clear, reflect the BCUC's practices, and result in procedurally fair processes.

1.1 Review Process

Several areas of the Rules that required updating to bring them into better alignment with common BCUC practices have been identified. Additionally, the BCUC proposed several areas where the introduction of new rules was warranted to address emerging issues.

The BCUC prepared proposed amendments to the Rules (Proposed Rules) and, by letter dated June 10, 2025, distributed the Proposed Rules for stakeholder comment. The BCUC received eleven letters of comment. The following stakeholders provided feedback and suggested changes to the Proposed Rules: BC Sustainable Energy Association (BCSEA), Movement of United Professionals (MoveUP), Association of Major Power Consumers (AMPC), the Commercial Energy Consumers Association of British Columbia (the CEC), Creative Energy Vancouver Platforms Inc. (Creative Energy), FortisBC Energy Inc. and FortisBC Inc. (collectively FortisBC), Insurance Corporation of British Columbia (ICBC), British Columbia Hydro and Power Authority (BC Hydro), Corix Burnaby Mountain DE Limited Partnership, Corix UBCDE Limited Partnership, and Corix Dockside Green DE Limited Partnership (collectively Corix), Pacific Northern Gas Ltd. (PNG), and BC Public Interest Advocacy Centre (BCPIAC).

The Panel has reviewed and considered the submissions made by stakeholders and has concluded that further revisions to the Proposed Rules are warranted, as reflected in the version of the Rules attached as Appendix A (New Rules). In the below reasons, the Panel focuses its discussion of the amendments on the key areas of change in the Rules and does not discuss every individual amendment found in the New Rules.

1.2 Legislative Framework

The BCUC's jurisdiction to make procedural rules is conferred by section 11 of the *Administrative Tribunals Act* (ATA), which provides that "[s]ubject to an enactment applicable to the tribunal, the tribunal has the power to control its own processes and may make rules respecting practice and procedure to facilitate the just and timely resolution of the matters before it."

2.0 Proposed Amendments

2.1 Intervener Eligibility

The BCUC proposed amending Rule 9.04 by focusing intervener eligibility on persons "directly or sufficiently affected by the BCUC's decision" and removing the criterion that allows for persons with "experience, information or expertise relevant to a matter before the BCUC that would contribute to the BCUC's decision-making" to intervene.

Position of the Parties

BC Hydro and Corix support the requirement that parties must be directly or sufficiently affected by a decision to be granted intervener status. Corix submits that non-customers should not be eligible for intervener status or participant funding in small utility applications.

AMPC states that the BCUC retains authority to allow parties with specialized knowledge who are not directly affected by the proceeding the ability to participate in exceptional circumstances. The CEC suggests changing the language of Rule 9.04 to incorporate persons who represent the customer ratepayer sector or its customer interests. ICBC suggests that the BCUC may wish to consider that those who may not be directly affected by the BCUC's decision, but have relevant expertise, may still contribute valuable insights through their participation.

BCSEA, MoveUP and BCPIAC generally oppose narrowing the basis for intervener status. MoveUP argues that this amendment is not necessary and goes further than needed and suggests that there are more targeted ways to avoid interventions that take up undue resources. BCPIAC argues that the proposed change to intervener eligibility undermines the core definition of an intervener by restricting the definition only to certain limited interveners and existing parties to the proceeding. BCPIAC further argues that the definition of an intervener should include stakeholders who have substantial interest in the matter of the proceeding and an ability to contribute to the BCUC's decision making.

Panel Discussion

The Panel considers the change to Rule 9.04 set out in the Proposed Rules is appropriate. The Panel finds that intervention should typically be limited to persons who are directly or sufficiently affected by the BCUC's decision, but notes that the BCUC still retains the authority to diverge from this rule in exceptional circumstances, pursuant to Rules 4.02 and 4.03.

2.2 Use and Disclosure of Artificial Intelligence

The BCUC proposed introducing Rule 11, requiring a disclosure statement at the outset of any submissions which used generative artificial intelligence (AI) in their preparation, to address the increasing use of AI in the workplace and in the preparation of regulatory documents.

Position of the Parties

BCSEA, MoveUP, and BCPIAC generally support the introduction of Rule 11 regarding the use and disclosure of generative AI.

Creative Energy, FortisBC, ICBC, BC Hydro, and PNG recommend amendments to the proposed rule. A number of parties suggest distinguishing more explicitly between uses of generative AI for the purpose of content creation as opposed to supplementary uses, such as grammar correction, formatting, or summarizing information.

FortisBC suggests that the phrase "employed in the preparation of" is overly broad and should be replaced with "used to generate content included in". BC Hydro finds the introduction of this rule to be appropriate, but notes that its purpose should be to identify whether AI was used and to obtain assurance that the content has been validated through a human review and approval process. BC Hydro recommends a change of title from "Use and disclosure of artificial intelligence" to "Disclosure of the use of generative artificial intelligence".

Corix states that the administrative burden of this requirement on parties outweighs the benefits and argues that there is no need to provide disclosure of the use of generative AI. Alternatively, Corix states that a disclosure requirement should only apply to content created using AI.

Panel Discussion

The Panel finds that the introduction of Rule 11, as amended in the New Rules attached as Appendix A, is warranted. The Panel is persuaded that it is appropriate to distinguish between the use of generative AI in content creation versus its use for supplementary assistance, such as for the purposes of grammar correction or formatting, and that only disclosure of the former use is necessary. For clarity, this disclosure is not meant to be an onerous requirement, but rather to provide the BCUC an indication of the manner in which AI was used to create a document. The Panel is also persuaded by BC Hydro's submission that Rule 11 should require confirmation that a human decision-maker reviewed any documents for which generative AI was used.

2.3 Oral Hearings

The BCUC proposed introducing Rules 12 to 15 to lay out the procedure to be followed during oral hearings. These rules include provisions which rearticulate many of the BCUC's procedural powers in an oral hearing, as conferred by the ATA, such as the ability to hold a hearing in the absence of the public, direct a person to attend an oral hearing in person or virtually, produce evidence, and provide testimony under oath.

Position of the Parties

Parties generally support the introduction of rules regarding practice and procedure during oral hearings. BCSEA, and BC Hydro suggest clarification of the terms "person" and "any thing" in Rule 12.02 pertaining to the BCUC's ability to make directions in a hearing, and express concern regarding the discretionary nature of this rule.

MoveUP, AMPC, Creative Energy, ICBC and BCPIAC generally support the introduction of new rules regarding practice and procedure to be followed during oral hearings. BCPIAC suggests including a process regarding accommodations for attending hearings in-person, such as for accessibility or cost saving reasons.

Panel Discussion

The Panel finds that the introduction of Rules 12 to 15, as set out in the New Rules attached as Appendix A, is warranted. The Panel notes that several parties' submissions comment on the breadth of the powers set out in these rules. However, the Panel notes that these proposed rules generally reflect the broad powers already conferred on the BCUC by the ATA. Of note, section 34(3) of the ATA provides the BCUC the authority to direct a person to attend an oral hearing to give evidence or to produce a document or other thing in their possession or control. Although many of these rules are a general rearticulation of the powers already set out in the ATA, their inclusion in the Rules will provide clarity to parties regarding the oral hearing process.

2.4 Requests for Confidentiality

The BCUC proposed amending Rule 29 regarding requests for access to confidential documents in a proceeding to provide greater clarity and improve the efficiency of the BCUC's practices with respect to confidentiality.

Position of the Parties

AMPC and BCPIAC submitted comments in favour of the proposed amendment. AMPC stated that this amendment aligned with a presumption that parties to a proceeding should have access to the full proceeding record. BCPIAC noted that all information relied on in a public hearing process should be presumed accessible to the public, unless adequate justification is provided by the party seeking to keep certain information confidential.

Creative Energy, BC Hydro and Corix were concerned with the removal of the requirement that the requesting party provide an explanation as to why and how the confidential information is relevant to their participation in a proceeding. A number of parties noted that this amendment eliminated the requirement for the requesting party to justify its request and shifts the presumption to one of presumed entitlement to access confidential material.

Panel Discussion

The Panel finds that the introduction of Rule 29, as amended in the New Rules attached as Appendix A, is warranted. Further, amendments to the Confidentiality Declaration and Undertaking Form, as set out in Appendix C, are also warranted. The Panel is persuaded that parties requesting access to confidential information should be required to explain the relevance of the requested information to their participation in the associated proceeding, and describe how the document will be used.

2.5 Participant Cost Awards

2.5.1 Rates

The BCUC proposed increasing the current Participant Cost Award (PCA) rates for professional services by 15% rounded to the nearest \$5.00 in the Proposed Rules. These rates were last updated in 2016.

Position of the Parties

Parties generally support an increase in PCA rates. However, BCSEA, MoveUP, AMPC and BCPIAC find that the increase falls short of the impact of inflation since the last increase in 2016. BCPIAC notes that the Alberta Utilities Commission (AUC) increased the rates for professional fees in 2024 and compares the new AUC amounts to the BCUC's proposed rate increase. AMPC and the CEC request the adoption of an annual inflationary adjustment mechanism.

Creative Energy opposes the magnitude of the proposed 15% increase to PCA rates.

Panel Discussion

The Panel finds that a 20% increase of PCA rates for professional services from the 2016 rates is warranted, which is reflected in the New Rules attached as Appendix A. Although the Panel will not implement an annual adjustment mechanism to increase rates, the Panel recommends the BCUC review PCA rates on a more frequent basis. The Panel notes that it has been nine years since the last update to PCA rates and is satisfied that an increase at this time is justified. Balancing the fact that ratepayers bear the ultimate burden of funding PCA amounts against the objective of ensuring PCA rates encourage effective participation in BCUC proceedings, the Panel considers that 20% is a significant and appropriate increase.

2.5.2 Availability for Letters of Comment

While the BCUC did not propose any amendments to PCA availability for letters of comment, AMPC and BCPIAC submitted the suggestion that PCA be available for those parties that submit letters of comment in a proceeding under certain circumstances.

Position of the Parties

AMPC and BCPIAC argue that proceedings that are limited to letters of comment sometimes capture more sophisticated participation that rises to the level of participation expected from interveners. These two parties request that PCA funding be made available for letters of comment in proceedings where that is the only method of participation available.

Panel Discussion

The Panel determines that PCA will not be made available for the submission of letters of comment. The Panel notes that, for parties requesting to intervene in BCUC proceedings, the BCUC is able to determine whether these intervention requests should be accepted, and whether any limitations on an intervener's participation or on the amount of PCA available to an intervener should be imposed. In contrast, when members of the public submit a letter of comment, there is no prior opportunity for the BCUC to assess the potential associated costs. Accordingly, the Panel considers it appropriate to maintain the current Rules regarding the availability of PCA for letters of comment to ensure the BCUC is able to proactively manage PCA costs for each proceeding.

2.5.3 Applications

The BCUC requested comments from parties regarding whether the BCUC should post PCA applications to the associated proceeding page.

Position of the Parties

Parties were generally not opposed to introducing the practice that PCA applications would be made available on the relevant proceeding page. However, some parties questioned the usefulness of this practice, as the merits of PCA applications can be captured in the PCA decision released by the BCUC. AMPC identifies that interveners would need to be provided an opportunity to identify confidential information in their PCA application. Additionally, BCSEA submitted that this practice would implicitly invite parties to comment on each other's PCA applications.

Panel Determination

The Panel determines that PCA applications will not be posted to the associated proceeding page at this time. The Panel considers that posting PCA applications would not add significant value or transparency to the PCA process.

2.5.4 Deadlines

While the BCUC did not propose any amendments to PCA application timelines, AMPC requested a change to Rule 40.01 regarding applying for a cost award, to increase the deadline from five to ten business days after the final decision is issued in a proceeding.

Panel Discussion

The Panel finds that an amendment to Rule 40.01, as set out in the New Rules attached as Appendix A, is appropriate. The Panel considers that extending the deadline for submitting a PCA application, as proposed by AMPC, would allow more time for parties to read a BCUC decision, and analyse how their submissions were utilized by the BCUC in coming to a decision, which could then be reflected in the parties' PCA application.

The BCUC notes that there are currently a number of interveners that are frequently late with their PCA applications. The Panel reminds all parties of the importance of timeliness and adherence to deadlines and, with this amendment, expects that parties will comply with deadlines going forward.

2.6 Additional Amendments

The BCUC has made several additional housekeeping amendments since the letter of comment period closed. Among those amendments, **the Panel notes the introduction of the following rules to the New Rules: Rule 17.14 regarding document filing in English, Rule 8.02 regarding consent to publish letters of comment that are**

not submitted via the BCUC's website, and Rule 18.02(h) regarding document filing in both Word and PDF format, as proposed by FortisBC and PNG.

Panel Determination

The Panel adopts the New Rules attached as Appendix A. Apart from the updated rates for professional services set out in Attachment A to the New Rules, the New Rules apply effective immediately for all BCUC proceedings.

The updated rates for professional services set out in Attachment A to the New Rules apply to proceedings initiated on or after the date of this Order. For proceedings initiated before the date of this Order but after June 30, 2022, the rates for professional services set out in Attachment A to the Rules adopted by the BCUC in Order G-296-24 apply.

The Panel also adopts the amended version of the Confidentiality Declaration and Undertaking Form, attached as Appendix C, and the amended versions of the PCA forms, attached as Appendices D and E.

DATED at the City of Vancouver, in the Province of British Columbia, this 7th day of August 2025.

Electronically signed by Mark Jaccard

M. Jaccard
Commissioner

BRITISH COLUMBIA UTILITIES COMMISSION
RULES OF PRACTICE AND PROCEDURE

Table of Contents

PART I – GENERAL	1
1 Application of the rules	1
2 Interpretation of the rules	1
3 Definitions	1
4 Rules of Practice and Procedure	2
5 Personal information collection and/or distribution	2
6 Failure to comply	3
PART II – PARTICIPATION IN A PROCEEDING	3
7 Subscribe	3
8 Letters of comment	3
9 Requests for intervener status in a proceeding	4
10 Participation of interveners	6
11 Use and disclosure of artificial intelligence	6
12 Directions regarding an oral hearing	6
13 Oath or affirmation	7
14 Documentary evidence in an oral hearing	7
15 Hearings in absence of the public	7
16 Transcripts	7
PART III – DOCUMENT FILING	8
17 Filing and service of documents	8
18 Information requests	10
19 Responses to information requests	10
20 BCUC procedures for documents filed in a proceeding	12
PART IV – CONFIDENTIAL DOCUMENTS	12
21 Application and availability of the rules	12
22 Information collection and/or distribution	12
23 Requests for confidentiality	12

24	Hearings to consider confidentiality of documents	13
25	Decisions made by the BCUC regarding confidentiality	13
26	Documents accepted as confidential	14
27	Documents not accepted as confidential	14
28	Filing confidential documents	14
29	Requests for access to confidential documents in a proceeding	14
	PART V – RECONSIDERATION	15
30	Requests for reconsideration of a BCUC decision, order, rule or regulation	15
31	Filing an application for reconsideration	15
32	Stay of decision	16
33	Summary dismissal of a reconsideration application	16
34	Reconsideration hearing	17
	PART VI – PARTICIPANT COST AWARDS	17
35	Purpose	17
36	Definition of a participant	17
37	General	17
38	Eligibility for a cost award	18
39	Costs that may be awarded	18
40	Applying for a cost award	20
41	Assessment criteria for a cost award	21
42	Interim cost awards	21
43	Process for updating the rate schedule	22

PART I – GENERAL

1 Application of the rules

Any person engaged in any matter before the BCUC must follow all rules, guidelines and practice directives that are issued by the BCUC.

2 Interpretation of the rules

These rules must be liberally construed in the public interest to ensure the fairest, most expeditious and efficient determination of every matter before the BCUC consistent in all cases with the requirements of procedural fairness.

3 Definitions

In these rules:

- (a) “applicant” means a person who makes an application;
- (b) “application” means an application to the BCUC for an approval, licence, order or other relief under the *Utilities Commission Act* or any other enactment;
- (c) “BCUC” means the British Columbia Utilities Commission;
- (d) “BCUC’s website” means the website maintained by the BCUC at www.bcuc.com;
- (e) “document” includes written documentation, films, photographs, charts, maps, plans, graphs, surveys, books of account, transcripts, emails, information stored by means of an electronic storage and retrieval system, electronic files and video and audio recordings, whether filed as evidence, submissions to, applications or correspondence with the BCUC;
- (f) “e-Filing system” means the BCUC’s regulatory electronic filing system that is accessible on the BCUC’s website;
- (g) “file” means to submit documents to the Commission Secretary either electronically via the e-Filing system, or, if participating non-electronically, by mail, courier or personal delivery;
- (h) “hearing” means a hearing before the BCUC and includes an oral hearing and a written hearing as well as a streamlined review process and a hearing regarding a negotiated settlement process;
- (i) “information request,” also referred to as an “interrogatory,” means a request that an applicant, intervener or the BCUC may make of a party to elicit information on the proceeding record that is relevant to the issues to be considered by the BCUC in the proceeding;
- (j) “intervener” means a person who has been granted intervener status in a proceeding by the BCUC.
- (k) “party” means an applicant, intervener or other person who has been permitted according to these rules to participate in a proceeding;
- (l) “person” includes an individual, as well as an incorporated or unincorporated organization such as a corporation, partnership or duly constituted public group;
- (m) “proceeding” means a process initiated to decide a matter before the BCUC, including a matter commenced by application, transfer and direction, review or inquiry and may result in adjudication or a report;
- (n) “proceeding record” means all documents, including evidence and submissions, filed in connection with a proceeding whether filed prior to, or during, the proceeding. The public record, found on the BCUC’s website, does not include documents that are subject to a confidentiality order of the BCUC;

- (o) “register online” means submitting a completed online registration form with the BCUC in order to log into the e-Filing system and/or to receive electronic notification of all non-confidential evidence filed by parties for the BCUC’s consideration in a particular proceeding;
- (p) “regulatory timetable” means the timetable that is established for the proceeding by the BCUC;
- (q) “representative” means the agent of or solicitor for a party;
- (r) “rules” means these Rules of Practice and Procedure;
- (s) “subscriber” means a person who has registered to receive automated email notifications of all documents posted by the BCUC to a proceeding’s webpage. A subscriber’s information will not be made public on the proceeding webpage.

4 Rules of Practice and Procedure

- 4.01 In accordance with sections 2.1 and 4(1) of the *Utilities Commission Act*, and sections 11(1) and (2) of the *Administrative Tribunals Act*, the BCUC adopts these rules and will decide the most appropriate and effective management of its resources and the ordering of its proceedings.
- 4.02 Notwithstanding the procedures provided for in the rules, the BCUC may do whatever is appropriate and permitted by law to enable it to effectively and completely adjudicate the matter before it.
- 4.03 In accordance with the *Administrative Tribunals Act*, the BCUC may waive or modify one or more of its rules in exceptional circumstances.
- 4.04 The rules are available for examination on the BCUC’s website, or upon request from the Commission Secretary.

5 Personal information collection and/or distribution

- 5.01 The BCUC is authorized by sections 26(c) and 33 of the *Freedom of Information and Protection of Privacy Act* to collect and publish a person’s personal information in a matter before the BCUC if necessary.
- 5.02 Subject to the *Freedom of Information and Protection of Privacy Act* and the rules in Part IV – Confidential Documents, all documents filed in respect to a proceeding must be placed on the public proceeding record. If a party wishes to keep any information in a document confidential, the party must submit a request for confidentiality to the BCUC at the time of filing, in a manner consistent with Part IV of these rules.
- 5.03 Any questions regarding the BCUC’s collection of personal information can be directed to the Commission Secretary at commission.secretary@bcuc.com, or Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3.

6 Failure to comply

- 6.01 If a party fails to comply with the BCUC's rules, guidelines or practice directives, the BCUC may take steps it considers reasonable including, but not limited to, withdrawing the status of the party.
- 6.02 If a party fails to comply with a time limit or filing protocol specified in the rules or by the BCUC, the BCUC may disregard the party's document. However, a party may file a written request to the BCUC for an extension. The request must outline the reasons for the extension request and the proposed alternative time.
- 6.03 No proceeding is invalid by reason alone of an irregularity in form.

PART II – PARTICIPATION IN A PROCEEDING

7 Subscribe

- 7.01 A person who wishes to receive automated email notifications of all documents posted by the BCUC to the proceeding's webpage must register online via the BCUC's website using the subscription form.
- 7.02 To unsubscribe from automated email notifications a person must submit a request by email to commission.secretary@bcuc.com.
- 7.03 Subscribing for automated email notifications does not enable a person to otherwise participate in a proceeding.

8 Letters of comment

- 8.01 Letters of comment are intended to provide an opportunity for members of the public to contribute views, opinions, and/or a description of the impact or potential impact, with respect to a matter before the BCUC, to a public record.
- 8.01.1 Due to their active participation in a proceeding and adherence to an established regulatory timetable, interveners are not permitted to file letters of comment, unless requested or otherwise permitted by the BCUC. If an intervener files a letter of comment, the BCUC may disallow the letter of comment unless the intervener requests to change standing.
- 8.02 Letters of comment must be in the Letter of Comment Form and be submitted via the BCUC's website. Persons who do not have reasonable access to internet or who have no reasonable means to convert an unsupported electronic document into a supported format may file the letter of comment in paper copy via mail, courier, personal delivery or any other means

directed by the BCUC (Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3), together with a declaration providing the person's consent to have the letter of comment and the person's name posted to the BCUC's website.

- 8.03 A letter of comment must:
- (a) describe the nature of the person's interest in the proceeding; and
 - (b) state the person's views regarding the proceeding; including any relevant information that is useful in supporting or explaining the views.
- 8.04 The BCUC will include the author's name on the proceeding record but will remove all other personal information before publication on the BCUC's website.
- 8.05 Letters of comment are not automatically accorded the same weight as evidence that has been either adopted under oath, subject to information requests or otherwise tested.
- 8.06 In the interests of fairness and/or efficiency, the BCUC may limit persons to one letter of comment.
- 8.07 The BCUC may disallow any letters of comment that contain vulgar language, personal attacks or offensive terms or that do not follow the rules.
- 8.08 Letters of comment must be received by the BCUC by the last date included in the proceeding's regulatory timetable before final arguments, unless the BCUC directs otherwise. Letters of comment that are received late may not be considered by the BCUC in the proceeding.
- 8.09 Submitting a letter of comment does not enable persons to otherwise participate in a hearing or reconsideration proceeding.

9 Requests for intervener status in a proceeding

- 9.01 To request intervener status, a person must complete and submit a Request to Intervene Form via the BCUC's website; by email to commission.secretary@bcuc.com; or by mail, courier or personal delivery to Commission Secretary, Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3.
- 9.02 Requests for intervener status must be received by the BCUC by the registration deadline established in the regulatory timetable for the proceeding.
- 9.03 The BCUC, in its discretion, may allow late requests for intervener status. Unless otherwise specified by the BCUC, once a late request for intervener status is accepted, the late intervener may only participate from that point onward in the proceeding.
- 9.04 Persons requesting intervener status must demonstrate to the satisfaction of the BCUC that they are directly or sufficiently affected by the BCUC's decision.

- 9.05 Persons requesting intervener status who are not individuals or BCUC regulated entities must submit both:
- (a) a completed Request to Intervene Form; and
 - (b) an informational document (as a single PDF) that includes:
 - (i) a description of the organization's mandate and objectives;
 - (ii) a description of its membership, including the membership processes if any, and the individuals, groups or interests it represents;
 - (iii) the types of programs and/or activities it carries out;
 - (iv) the identities of any authorized representatives and addresses; and
 - (v) any other information the BCUC may request.
- 9.05.1 The information provided in the informational document must be current, accurate and filed in accordance with Part III of the rules respecting document filing. Any material changes to the information contained in the informational document must be filed with the BCUC as soon as possible.
- 9.05.2 If the request to intervene is accepted, the BCUC will retain the informational document for a period of twelve months from the date it is filed and may refer to it during that time, when appropriate.
- 9.05.3 If an informational document has been filed with the BCUC within the past twelve months, a person who is not an individual or a BCUC regulated entity must only submit a Request to Intervene Form for each proceeding in which it intends to participate as an intervener and indicate on the form that it has already submitted an informational document.
- 9.05.4 Twelve months after the date an informational document was filed, a person who is not an individual or a BCUC regulated entity is required to submit an updated informational document with its next request to intervene.
- 9.06 The BCUC may deny a request for intervener status for reasons, including but not limited to, that the request:
- (a) is frivolous, or vexatious;
 - (b) does not meet the requirements in Rule 9.04;
 - (c) is irrelevant or is not in response to issues addressed in the particular proceeding; or
 - (d) is not filed in accordance with the rules.
- 9.07 The BCUC may grant intervener status subject to conditions it considers appropriate.
- 9.08 The BCUC may determine the scope of an intervener's participation considering, for example, the person's interest, and the nature, importance and breadth of issues the person plans to address.
- 9.09 When a request to intervene is accepted, the BCUC will send the intervener a link to register online. Online registration enables an intervener to submit documents via the e-Filing system,

and to receive automated email notifications of all the documents posted to the website in regard to the proceeding.

- 9.10 If accepted and if the intervener has participated in a proceeding in the past twelve months and already has a username, the BCUC will send the intervener an email stating that the BCUC has added the user to the proceeding.

10 Participation of interveners

- 10.01 Intervenors are expected to participate actively, responsibly and respectfully for the duration of the proceeding.
- 10.02 Intervenors are expected to take reasonable efforts to avoid the duplication of evidence.
- 10.03 The BCUC encourages and may require an intervener to coordinate with other intervenors who represent substantially similar interests.

11 Use and disclosure of artificial intelligence

- 11.01 If generative artificial intelligence, such as ChatGPT or an analogous program, was employed to generate content in any oral or written submissions to the BCUC, including, but not limited to, evidence, arguments, or information requests and responses to information requests, the party who made that submission must disclose the use of generative artificial intelligence to the BCUC at the outset of the submission. This disclosure must:
- (a) identify the content for which generative artificial intelligence was used;
 - (b) identify the generative artificial intelligence platform(s) used; and
 - (c) affirm that an individual has reviewed the content created using generative artificial intelligence.

12 Directions regarding an oral hearing

- 12.01 If the BCUC holds an oral hearing, the BCUC may issue directions regarding the conduct of the oral hearing, including with respect to:
- (a) whether participants may attend the oral hearing in person, or by video link, telephone or other electronic means;
 - (b) the scope of the oral hearing;
 - (c) time limits on participants in the oral hearing; and
 - (d) any other matters the BCUC considers appropriate to ensure a fair, effective and efficient process.
- 12.02 The BCUC may direct a person to:
- (a) attend an oral hearing to give evidence; or
 - (b) produce a document or other thing in the person's possession or control.

13 Oath or affirmation

- 13.01 Unless otherwise directed, a witness at an oral hearing must provide evidence orally on oath or affirmation.

14 Documentary evidence in an oral hearing

- 14.01 Unless otherwise directed, no documentary evidence may be presented at an oral hearing unless the evidence was filed in accordance with the rules regarding document filing no later than 24 hours before the document is to be introduced at the oral hearing.
- 14.02 Unless otherwise directed, a party must not use a document that has not yet been filed in the proceeding as an aid to cross-examine a witness at an oral hearing, unless that party had provided a copy of that aid to the witness, or the witness's representative, no later than 24 hours before the witness is to be cross-examined on the aid.
- 14.03 An aid to cross-examine a witness will not form part of the proceeding record until the BCUC permits.
- 14.04 The BCUC may permit an aid to cross-examine a witness to be added to the proceeding record during the course of an oral hearing, after it has been presented to a witness.
- 14.05 A party that intends to use a document as an aid to cross-examine a witness must highlight all passages in the document that the party intends to cross-examine the witness on, if the document has five or more pages.

15 Hearings in absence of the public

- 15.01 The BCUC may hold part of an oral hearing in the absence of the public subject to any directions the BCUC may issue in this regard.
- 15.02 A party that wishes to attend an oral hearing, or part of an oral hearing, that is to be held in the absence of the public must submit a request to attend, including justification, subject to review by the BCUC.

16 Transcripts

- 16.01 In a proceeding or any other transcribed process where evidence, argument, submissions, or any other oral statements are transcribed by an official reporter of the BCUC, the transcript will form part of the proceeding record.

- 16.02 The transcript will be placed on the BCUC's website unless the BCUC determines the transcript is confidential.
- 16.03 Transcripts of the official reporter of the BCUC are the property of the BCUC, and no party shall make any amendment, correction, or other change to the transcript unless the party has filed a request and received approval from the BCUC.
- 16.04 In the case of a potential transcription error or correction of statements made in the transcript, the following shall apply:
- (a) a party to the proceeding must request a change to the transcript by making a request in writing to the Commission Secretary as soon as practicable;
 - (b) the BCUC will notify all parties to the proceeding of this request;
 - (c) the BCUC may initiate a review of the recording and, if so, will determine whether a change to the transcript will be made;
 - (d) if any change to the transcript is made by the BCUC, all parties to the proceeding will be notified of the change made to the transcript;
 - (e) the BCUC will include an errata sheet at the beginning of the transcript to indicate any changes made.

PART III – DOCUMENT FILING

17 Filing and service of documents

- 17.01 Documents, including applications and notices of appeal, should be filed in such quantity and in such manner as may be specified by the BCUC. Unless otherwise specified by the BCUC, all correspondence including evidence and submissions must be filed under cover letters addressed to the Commission Secretary.
- 17.02 Parties are required to register online. A party's registered User ID and password must be used to log on to the e-Filing system in order to upload and submit documents.
- 17.03 Filings must be submitted on or before a specified filing date, if applicable.
- 17.04 All documents filed in a proceeding, with the exception of documents the BCUC deems confidential, may be accessed through the BCUC's website.
- 17.05 Any person wishing to access a document on a proceeding record not published online, or wishing to access a document on a proceeding record in hard copy, may make arrangements to do so with the Commission Secretary in accordance with access and privacy rules and legislation.

- 17.06 Parties must file all documents electronically via the e-Filing system as a file attachment in unprotected PDF searchable format and, if applicable, must clearly display the name of the proceeding in the document.
 - 17.06.1 Documents must not contain symbols or quotation marks (e.g., "\$#&!@) in the file name otherwise the document will open as a blank file and the BCUC will consider the document not received.
 - 17.06.2 Parties who do not have reasonable access to internet, or who have no reasonable means to convert an unsupported electronic document into a supported format may file the document in paper copy via mail, courier, personal delivery or any other means directed by the BCUC (Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3).
 - 17.06.3 Where possible, each filing must be submitted as one PDF document, including cover letter and attachments, such as .doc or .xls files.
- 17.07 Whether filed electronically or non-electronically, documents must be received by the BCUC by the specified filing date, if applicable, unless otherwise directed by the BCUC.
 - 17.07.1 Arrangements may be made with the Commission Secretary for evidence that cannot reasonably be filed as a PDF, such as video or recorded evidence.
- 17.08 Documents filed non-electronically must be complete and identical to the electronic copy.
- 17.09 The BCUC may request hard copies of filings which must be couriered to the BCUC office within three business days of the BCUC's request.
- 17.10 The assignment of an exhibit number to a document does not prevent other parties from challenging its admissibility. If the BCUC rules a document inadmissible, the document and its exhibit letter and number will be expunged from the record.
- 17.11 The BCUC's website will send an automated email to all parties and subscribers who have registered online when a document has been posted to the proceeding record posted on the BCUC's website.
- 17.12 The BCUC considers a document to be served on a party once it is added to the BCUC's proceeding record and posted on the BCUC's website. For parties that participate by mail, the BCUC considers documents to be served after two business days of being sent if couriered or five business days if regular mail was used.
- 17.13 The BCUC may require a party to mail or courier paper copies of documents it files to other parties who do not have reasonable access to internet or email.

- 17.14 All documents filed with the BCUC must be in the English language, unless otherwise directed by the BCUC. If an original document is in a language other than English, a certified translation of that document must be submitted with the original document.

18 Information requests

- 18.01 In an information request, the BCUC, applicant or intervener may request another party within the time limit set by the BCUC, to provide information necessary:
- (a) to clarify any documentary evidence filed by the other party;
 - (b) to facilitate a better understanding of the issues relevant to the proceeding; or
 - (c) to assist with the resolution of the proceeding.
- 18.02 An information request must:
- (a) be issued by the BCUC, applicant or intervener in accordance with a BCUC order;
 - (b) be addressed to Commission Secretary and include in the subject line the party from whom a response is sought and the proceeding name, unless the BCUC otherwise orders;
 - (c) contain specific questions seeking information or documents that are relevant to the proceeding and in the possession of the responding party;
 - (d) be filed in accordance with rules pertaining to document filing, unless otherwise directed by the BCUC;
 - (e) group questions together according to the issue to which they relate;
 - (f) be numbered using a continuous numbering system;
 - (g) set out the date on which the information request is filed; and
 - (h) include a Word version of the information request attached to the PDF document, where practicable.
- 18.03 To the extent practicable, information requests should cite the volume, tab and page number of the evidence to which it refers.
- 18.04 To the extent practicable, parties should not duplicate other parties' or the BCUC's information requests.

19 Responses to information requests

- 19.01 Subject to these rules, a party who is served with an information request must provide a full and adequate response to each question.
- 19.02 A response to an information request must:
- (a) be filed in accordance with rules pertaining to document filing, as applicable, unless directed otherwise by the BCUC;
 - (b) repeat each substantive question at the beginning of each response but not include the full set of questions at the front of the response;
 - (c) number the responses using the same numbering system as in the information request;
 - (d) identify the appropriate individual(s) in the cover letter who can be contacted for information related to the information request responses; and

- (e) where a response to an individual question is responded to by persons other than the party to whom the information request is directed (i.e., a consultant, expert or other third party, etc.) as part of the response, identify, where appropriate, the person(s) responding to that question;
- (f) set out the date on which the response is filed; and
- (g) utilize the bookmark functionality of PDF form documents or Word documents to bookmark each group of issues as identified in the original information request, where practicable.

19.03 If a party who is served with an information request is not able or not willing to prepare a full and adequate response, the party must do one of the following:

- (a) If the party considers an information request unclear:
 - (i) it is incumbent upon that party to make reasonable efforts to contact the requestor to clarify the question and respond in accordance with the deadline for information request responses; and
 - (ii) where clarification cannot be obtained in a timely manner, the party responding to the information request must state any assumptions made respecting the interpretation of the question;
- (b) If the party contends that the information required to answer the information request is not relevant, the party must:
 - (i) file a response that sets out specific reasons in support of that contention; and
 - (ii) file any portion of the response that the party does consider relevant;
- (c) if the party contends the information necessary to provide an answer is privileged, not available or cannot be provided with reasonable effort, file a response that:
 - (i) sets out the specific reasons in support of that contention; and
 - (ii) contains such other information that the party considers would be of assistance to the party making the information request that is available and can be provided with reasonable effort;
- (d) if the party contends that the information requested is confidential:
 - (i) file a request for confidentiality for all or any part of the response in accordance with the rules pertaining to confidential filings; and
 - (ii) where practicable, file other non-confidential information that the party considers would be of assistance to the party making the information request;
- (e) if the party contends that the information is culturally sensitive in the case of Indigenous knowledge:
 - (i) provide an explanation for the contention and identify the elements of the requested information that can be provided publicly and those which cannot be shared for cultural reasons; and
 - (ii) where practicable, propose an alternative approach to providing the information.

19.04 If a party fails to respond, or if a party, including BCUC staff, is not satisfied with an information request response, a party may file a request that the matter be settled by the BCUC.

20 BCUC procedures for documents filed in a proceeding

- 20.01 The BCUC will assign an exhibit number to the document prior to posting it on the proceeding page.
- 20.02 The BCUC will scan and upload submissions to the proceeding's exhibit list for parties who submit documents non-electronically due to not having reasonable access to the internet or email.
- 20.03 If an intervener reasonably requires paper copies of documents, the BCUC may provide the intervener's mailing information to the proceeding's participants with a request that the intervener be served by mail. The BCUC will mail paper copies of its documents to parties who demonstrate an inability to access the electronic public proceeding record.
- 20.04 The BCUC may require the applicant to make copies of the application available in local utility facilities, libraries or other locations.

PART IV – CONFIDENTIAL DOCUMENTS

21 Application and availability of the rules

These rules apply to all requests for confidentiality and confidential documents filed with the BCUC in regard to any and all matters, unless otherwise directed by the BCUC.

22 Information collection and/or distribution

- 22.01 Subject to the following, and to other related statutory provisions and exceptions or exclusions by law, including the *Freedom of Information and Protection of Privacy Act*, the *Utilities Commission Act* and the *Administrative Tribunals Act*, information filed by parties in a matter before the BCUC will be placed on the proceeding record and may be made publicly available.
- 22.02 For greater certainty, nothing in these rules is intended to limit the operation of any statutory provision that protects the confidentiality of information or documents.

23 Requests for confidentiality

- 23.01 If a party wishes to keep confidential any information in a document filed in any matter before the BCUC, in addition to the document, at the time of filing, the party must file:
 - (a) a request that all or any part of the document be held in confidence which must:
 - (i) briefly describe the nature of the information in the document and the reasons for the request for confidentiality, including the specific harm that could reasonably be expected to result if the document was made publicly available;

- (ii) indicate whether all or only a part of the document is the subject of the request; and
 - (iii) provide, with explanation, a period of time for which the document should remain confidential.
- (b) a proposed redacted version of the document that the BCUC may make publicly available, where possible.

23.02 The party requesting confidentiality bears the onus of establishing why the information should be treated as confidential by the BCUC.

23.03 The request for confidentiality will be a matter of public record, unless the BCUC directs otherwise.

23.04 If a party wishes for the BCUC to continue holding the document in confidence beyond the period of time it initially specified under Rule 23.01(a)(iii), the party must once again file the information required in Rule 23.01.

24 Hearings to consider confidentiality of documents

24.01 The BCUC may, with or without a hearing or further process, grant a request for confidentiality on any terms it considers appropriate.

24.02 Where the BCUC holds a hearing to consider the request for confidentiality, the BCUC may direct that the hearing be held in the absence of the public.

25 Decisions made by the BCUC regarding confidentiality

25.01 In determining whether information or documents should be held confidential, the BCUC will have regard to matters that it considers relevant, including:

- (a) whether the disclosure of the information could reasonably be expected to result in:
 - (i) undue material financial loss or gain to a person;
 - (ii) significant harm or prejudice to that person's competitive or negotiating position; or
 - (iii) harm to individual or public safety or to the environment;
- (b) whether the information is personal, financial, commercial, scientific, labour relations or technical information that is confidential and consistently treated as confidential by the person;
- (c) whether the person's interest in confidentiality outweighs the public interest in the disclosure of the information or documents in the hearing;
- (d) whether the person submitting the document has any legal obligation to maintain confidentiality; and
- (e) whether it is practicable to hold the hearing in a manner that is open to the public.

26 Documents accepted as confidential

- 26.01 If accepted by the BCUC as confidential, the documents or the portions thereof will not be made publicly available.
- 26.02 If the document is accepted as confidential, the BCUC may make the proposed redacted version of the confidential document publicly available, or may adjust or require the filing party to change the redaction in accordance with what it deems necessary for transparency and public interest.
- 26.03 A party may object to a request for confidentiality by filing an objection with reasons in a timely manner. The BCUC will give the party claiming confidentiality, together with a person who may be affected by disclosure, an opportunity to reply to an objection.

27 Documents not accepted as confidential

- 27.01 If a document is filed confidentially and the request for confidentiality is denied, the BCUC may allow the person that submitted the documents an opportunity to make submissions as to what should be done with the document, such as withdrawing the document.

28 Filing confidential documents

- 28.01 Rules respecting confidential documents are to be considered also in accordance with rules pertaining to document filing.
- 28.02 Confidential material must be filed separately from non-confidential material. When necessary, within non-confidential filings, reference the confidential filing.
- 28.03 Documents filed with the BCUC that a party requests to be confidential or that claim to contain confidential material must clearly designate it in the document, the document's file name and on the cover letter, as well as be watermarked, if possible ("Confidential" or "Contains Confidential Material").
- 28.04 Paper copies of confidential documents filed in binder form must have the word "Confidential" included on the binder cover.
- 28.05 If a party files a document that is marked "Confidential" but is no longer confidential, the party must notify the BCUC in writing that the document may be made public.

29 Requests for access to confidential documents in a proceeding

- 29.01 A party requesting access to confidential information must submit a Declaration and Undertaking Form electronically to the BCUC, with a copy to the party who filed the confidential

information, identifying which document(s) they wish to access, providing an explanation of the relevance of the document(s) to their participation in the proceeding, and describing how the document will be used.

29.02 The party who filed the confidential information may either:

- (a) Provide the requesting party with access to the confidential information, and file confirmation with the BCUC that access has been provided; or
- (b) File an objection to the access request with the BCUC, with supporting reasons.

29.03 If the party who filed the confidential information files an objection pursuant to Rule 29.02(b), the BCUC may give the party requesting access an opportunity to reply.

29.04 The BCUC will render the final determination as to whether access will be granted to the confidential information, including any additional conditions or safeguards as it considers appropriate in the circumstances.

PART V – RECONSIDERATION

30 Requests for reconsideration of a BCUC decision, order, rule or regulation

30.01 For the purposes of Part V of these rules, any reference to a decision means a decision, an order, a rule or regulation of the BCUC.

30.02 The BCUC, on application or on its own motion, may reconsider a decision and may confirm, vary or rescind the decision.

31 Filing an application for reconsideration

31.01 A person, other than the applicant or an intervener in the original proceeding that gave rise to the decision, may not file an application for reconsideration without obtaining prior permission of the BCUC. In applying to the BCUC for permission to file an application for reconsideration, the person seeking permission must explain:

- a) why the person did not participate in the original proceeding; and
- b) how the person is directly or sufficiently affected by the decision.

31.02 Subject to Rule 31.03, unless prior permission of the BCUC is obtained, an application for reconsideration must be filed with the BCUC within 60 days of the issuance of the order or the reasons for decision, whichever is later.

31.03 Unless prior permission of the BCUC is obtained, an application for reconsideration of a decision issued in relation to a participant cost award must be filed within 30 business days of the decision being issued.

- 31.04 An application for reconsideration must be filed in accordance with the rules pertaining to document filing and must:
- (a) be in writing and, unless prior permission of the BCUC is obtained, not longer than 30 pages (excluding appendices and/or attachments);
 - (b) identify the decision affected;
 - (c) state the applicant's name and the representative's name, if applicable;
 - (d) describe the impact of the decision and how it is material;
 - (e) set out the grounds for reconsideration in accordance with Rule 31.05; and
 - (f) set out the remedy the applicant is seeking.
- 31.05 An application for reconsideration of a decision must contain a concise statement of the grounds for reconsideration, which must include one or more of the following:
- (a) the BCUC has made an error of fact, law, or jurisdiction which has a material bearing on the decision;
 - (b) facts material to the decision that existed prior to the issuance of the decision were not placed in evidence in the original proceeding and could not have been discovered by reasonable diligence at the time of the original proceeding;
 - (c) new fact(s) have arisen since the issuance of the decision which have material bearing on the decision;
 - (d) a change in circumstances material to the decision has occurred since the issuance of the decision; or
 - (e) where there is otherwise just cause.

32 Stay of decision

- 32.01 An application for reconsideration of a decision does not automatically stay or suspend the operation of the decision.
- 32.02 The BCUC may, in its discretion or on application, stay the operation of the decision in the original proceeding, or part thereof, pending the outcome of the reconsideration on terms the BCUC considers appropriate.

33 Summary dismissal of a reconsideration application

- 33.01 Upon the filing of an application for reconsideration of a decision, the BCUC may, without further process, summarily dismiss the application, in whole or in part, on the basis that it fails to establish, on its face, any reasonable grounds for reconsideration of the decision.
- 33.02 In the event the BCUC summarily dismisses an application for reconsideration of a decision in whole, the BCUC will make publicly available both the application and the final order with reasons.

34 Reconsideration hearing

- 34.01 In the event the BCUC does not dismiss the whole application for reconsideration pursuant to Rule 33.01, the application for reconsideration or the portion of the application that is not dismissed will proceed to a hearing.
- 34.02 Parties to the original proceeding will be notified that the BCUC is conducting a hearing on the application for reconsideration.
- 34.03 Any person who wishes to intervene in the reconsideration hearing must make such request in accordance with the rules pertaining to requests for intervener status in a proceeding.
- 34.04 The BCUC will determine the regulatory process for the reconsideration hearing, which may include, but is not limited to:
- (a) whether the hearing will be wholly, or in part, written, oral, or a combination thereof;
 - (b) a determination as to whether any new evidence or evidence of a change of circumstances will be permitted on the reconsideration hearing and the timing of submissions on these issues;
 - (c) the scheduling of oral hearings, if any;
 - (d) the scheduling of arguments, if any; and
 - (e) any other procedural directions the BCUC considers appropriate.

PART VI – PARTICIPANT COST AWARDS

35 Purpose

- 35.01 The purpose of the rules relating to cost awards is to encourage effective participation in BCUC proceedings that contributes to a fair, cost effective and timely determination or completion of every proceeding on its merits.

36 Definition of a participant

- 36.01 The term “participant” means:
- (a) an applicant in a proceeding; or
 - (b) a party that has been granted intervener status in a proceeding.

37 General

- 37.01 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.
- 37.02 The BCUC may establish a cap on all, or on part of, a cost award available in a proceeding to any or all participants.

37.03 A participant may only claim costs for participation in a proceeding from the date the proceeding is initiated until the issuance of the final decision or report.

37.04 Interim cost awards in respect of a proceeding may be available pursuant to Rule 42.

38 Eligibility for a cost award

38.01 A participant is eligible, subject to Rule 38.02, for a cost award in a proceeding.

38.02 The following participants are not eligible for a cost award in a proceeding unless otherwise ordered by the BCUC:

- (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.

38.03 A participant who, pursuant to Rule 38.02 is not eligible for a cost award, may apply for an order granting eligibility. Such application must be made as soon as practicable following commencement of the proceeding.

39 Costs that may be awarded

39.01 Participants may be eligible to receive cost awards for forgone earnings, dependant care, professional services, disbursements, taxes, and other costs as applicable under this Rule.

39.02 As outlined in Rules 39.04 through 39.09, there are differences or limitations applied to participants with respect to their eligibility for costs.

39.03 Participants are not eligible for costs for making an application for either interim or final cost awards.

39.04 Costs for forgone earnings and dependant care

39.04.1 Only participants who are individuals are eligible for forgone earnings and dependant care costs.

39.04.2 A participant that is an individual, subject to Rule 39.05.4, is limited to a cost award for forgone earnings, dependant care costs and disbursements.

39.04.3 The maximum rates for forgone earnings and dependant care are set out in Attachment A.

39.05 Costs for professional services

39.05.1 Professional services include:

- (a) legal counsel;
- (b) consultants, who are specialists in aspects of business or science such as finance, economics, accounting, engineering or the natural sciences, providing services related to their speciality;
- (c) expert witnesses qualified to provide evidence related to their area of expertise; and
- (d) case managers providing coordination and management services including, but not limited to, coordinating the cost effective and timely use of services from legal counsel, consultants and/or expert witnesses and performing tasks that enable a coalition of participants with similar positions in a proceeding.

39.05.2 The maximum hourly rates for professional services are set out in Attachment A.

39.05.3 The BCUC may, on application by a participant, award costs for consultants or expert witnesses at a rate that exceeds the maximum hourly rates as set out in Attachment A where the participant demonstrates that such a rate is reasonably necessary for the services required to address the issues in a proceeding.

39.05.4 The BCUC may, on application by a participant who is an individual, award costs for the use of professional services up to the maximum professional rates as set out in Attachment A where it deems that the individual's position is unique and not otherwise represented by another participant, and such services are reasonably necessary and appropriate for the individual to participate effectively in a proceeding. Such application must be made as soon as practicable, in the event the individual is granted intervener status in a proceeding. For clarity, the individual's own time spent on participating in the proceeding does not qualify as the use of professional services.

39.06 Costs for disbursements

39.06.1 The BCUC may award reimbursement of what it determines to be reasonable disbursements that were necessarily and properly incurred by a participant in the conduct of a proceeding.

39.06.2 Disbursements, including travel, accommodation, and meals, will be determined in accordance with the British Columbia Government Employees' Union (BCGEU) Rate Schedule as set out in Attachment B, and as updated from time to time.

39.07 Tax costs

39.07.1 Participants may include any applicable GST/PST in respect of costs claimed and must confirm that the applied-for taxes cannot be recovered through an Input Tax Credit or otherwise.

39.08 Other costs

39.08.1 The BCUC may award any other costs that it determines are reasonable and justified.

39.09 Costs for Indigenous groups

39.09.1 In addition to other costs that may be available under Rule 39, a participant that is an Indigenous group may make a claim for a cost award in a proceeding for relevant matters regarding section 35 of the *Constitution Act*, 1982, which may include costs for community consultations and for participation of traditional knowledge experts and elders.

39.09.2 In determining a cost award, the BCUC may, in addition to the purpose as set out in Rule 35.01 and the assessment criteria in Rule 41, take into consideration any capacity funding received by the Indigenous group with respect to the proceeding for which the award is sought.

40 Applying for a cost award

40.01 Any application by a participant for a cost award must be filed with the BCUC no later than ten business days following the issuance of the final decision or report in a proceeding, unless the BCUC permits otherwise.

40.02 An application for a cost award pursuant to Rule 40.01 must be filed with the BCUC in accordance with the rules pertaining to document filing and must include:

- (a) a completed Cost Award Application Form;
- (b) copies of documentation in support of the Cost Award Application Form; and
- (c) any further evidence or supporting documentation that the BCUC may direct the participant to provide.

40.03 Upon receipt of an application for a cost award:

- (a) the BCUC will, following issuance of the final decision or report in the proceeding, provide the participant(s) responsible for paying the cost in the proceeding with a copy of the application, and where the BCUC determines it necessary, will provide any other participant in the proceeding with a copy of the application;

- (b) the participant(s) responsible for paying the cost award and any other participants provided a copy of the application may, within ten business days of receipt of the application provided in subsection (a), provide submissions in response to the application to the BCUC and the participant applying for the cost award; and
- (c) the participant applying for a cost award may, within five business days of receipt of any response provided in subsection (b), provide submissions in reply.

40.04 The BCUC will, so far as is practicable, issue its decision on final participant cost awards within 60 calendar days after the final decision or report in the proceeding has been issued.

41 Assessment criteria for a cost award

- 41.01 The BCUC will determine the amount of a cost award, if any, in accordance with the purpose as set out in Rule 35.01, and will, so far as is applicable, consider the following criteria:
- (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;
 - (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;
 - (ix) complied with the BCUC's orders, directions, and rules; and
 - (d) any other matter the BCUC determines appropriate in the circumstances.

42 Interim cost awards

- 42.01 Participants eligible for a cost award may make written application for an interim cost award in respect of costs already incurred in a proceeding and/or an estimate of costs anticipated to be incurred in a proceeding.
- 42.02 An application for an interim cost award must be filed in accordance with the rules pertaining to document filing and must include:

- (a) a completed Interim Cost Award Application Form in respect of costs already incurred and/or estimated to be incurred in a proceeding;
- (b) evidence in respect of any costs already incurred and/or estimated to be incurred in a proceeding;
- (c) evidence of exceptional circumstances, including, but not limited to financial need, in support of the participant's application for an interim cost award; and
- (d) any further evidence or supporting documentation that the BCUC may direct the participant to provide.

42.03 Upon receipt of an application for an interim cost award:

- (a) the BCUC will provide the participant(s) responsible for paying the interim cost award in a proceeding with a copy of the application, and where the BCUC determines it necessary, will provide any other participant in the proceeding with a copy of the application;
- (b) the participant(s) responsible for paying the interim cost award and any other participants provided a copy of the application may, within ten business days of receipt of the application provided in subsection (a), provide submissions in response to the application to the BCUC and the participant applying for the cost award; and
- (c) the participant applying for an interim cost award may, within five business days of receipt of any response provided in subsection (b), provide submissions in reply.

42.04 The BCUC in determining whether to grant an interim cost award, in whole or in part, must be satisfied that the participant has established exceptional circumstances, and will determine the amount of an interim cost award, if any, in accordance with the purpose as set out in Rule 35.01 and may consider, so far as applicable, the assessment criteria in Rule 41.

42.05 An order granting an interim cost award must include whether the amount awarded constitutes:

- (a) a final cost award for costs already incurred; and/or
- (b) an advance against the BCUC's final cost award determination after the conclusion of the proceeding.

42.06 For interim cost awards granted under Section 42.05 (b), a participant must file a final cost award application under Rule 40.

43 Process for updating the rate schedule

43.01 The BCUC may update the rate schedules in Attachments A and B, as needed and appropriate.

ATTACHMENT A
Rate Schedule I effective August 7, 2025

1. PROFESSIONAL SERVICES

All applications for professional service costs shall be limited to a maximum of 8 hours per day, unless otherwise approved by the BCUC.

a. Legal counsel

Years Since Call	Maximum Hourly Rate
Articling student	\$ 130
0–4	\$ 290
5–7	\$ 340
8–12	\$ 385
12+	\$ 420

b. Consultants

Years of Related Experience	Maximum Hourly Rate
Consultant 0–4	\$ 145
Consultant 5–7	\$ 200
Consultant 7+	\$ 280

c. Expert witnesses

	Maximum Hourly Rate
Expert Witness	\$ 325

d. Case managers:

	Maximum Hourly Rate
Case Manager	\$ 90

Pursuant to Rule 39.04:

2. FORGONE EARNINGS: maximum \$250 per proceeding day¹ per person.

3. DEPENDANT CARE:² maximum \$75 per proceeding day¹ per person.

¹ Proceeding days include workshop days, negotiation days, procedural conference days, oral hearing days, streamlined review process days, oral argument days, and other processes in a proceeding provided they are attended in person or by registered on-line attendance or as otherwise allowed by the BCUC.

² A dependant is a person who resides with the participant on a full-time basis and relies on the participant for care (e.g., a child or parent).

ATTACHMENT B
Pursuant to Rules 39.06.2 and 43.01
Rate Schedule II effective August 7, 2025

MEAL EXPENSES AND TRAVEL RATES

1. **Meal expenses/travel rates for in-town participants:** In-town participants that attend a hearing may apply for meal expenses and travel rates. Meal expenses, such as lunch, and travel rates are intended for individual participants who do not apply for professional rates.
2. **Meal expenses for out-of-town participants:** Participants that have applied to attend a hearing not in their immediate area may apply for meal expenses.
3. **Travel rates for out-of-town participants:** Participants that have applied for funding to attend a hearing not in their immediate area may apply for travel rates.

MEAL EXPENSES		TRAVEL RATES	
Breakfast only	\$14.58	Vehicle Mileage:	\$.63/km
Lunch only	\$16.87		
Dinner only	\$29.16	Airfare:	Full Fare Economy
Breakfast & Lunch	\$31.45		
Breakfast & Dinner	\$43.74		
Lunch & Dinner	\$46.03		
Breakfast, Lunch & Dinner	\$60.61		

ACCOMMODATION RATES

Single Room Rate Only For a full list of hotels and rates please see:

<http://csa.pss.gov.bc.ca/businesstravel/>

Private accommodation: \$38.41/night

To determine what the current Government rate is in the area in which the hearing is being conducted, please visit the above noted site, and review the Accommodation rate for the hotel the BCUC has booked for the hearing.

For hotels with blacked-out periods, the seasonal rate charged in the month prior to the month in which costs are incurred, shall apply.

Rates charged by hotels not on the Government Accommodation Listing will be subject to review and adjustment by the BCUC.

In order for the participants to receive the Provincial Government Rate, please contact Commission Secretary at the BCUC and request an approval letter: <https://www.bcuc.com/AboutUs/ContactUs>

BRITISH COLUMBIA UTILITIES COMMISSION
RULES OF PRACTICE AND PROCEDURE

Table of Contents

PART I – GENERAL	1
1 Application of the rules	1
2 Interpretation of the rules	1
3 Definitions	1
4 Rules of Practice and Procedure	2
5 Personal information collection and/or distribution	2
6 Failure to comply	3
PART II – PARTICIPATION IN A PROCEEDING	3
7 Subscribe	3
8 Letters of comment	3
9 Requests for intervener status in a proceeding	4
10 Participation of interveners	6
11 Use and disclosure of artificial intelligence	6
12 Directions regarding an oral hearing	6
13 Oath or affirmation	7
14 Documentary evidence in an oral hearing	7
15 Hearings in absence of the public	7
16 Transcripts	7
PART III – DOCUMENT FILING	8
17 Filing and service of documents	8
18 Information requests	10
19 Responses to information requests	10
20 BCUC procedures for documents filed in a proceeding	12
PART IV – CONFIDENTIAL DOCUMENTS	13
21 Application and availability of the rules	13
22 Information collection and/or distribution	13
23 Requests for confidentiality	13

24	Hearings to consider confidentiality of documents	14
25	Decisions made by the BCUC regarding confidentiality	14
26	Documents accepted as confidential	14
27	Documents not accepted as confidential	15
28	Filing confidential documents	15
29	Requests for access to confidential documents in a proceeding	15
	PART V – RECONSIDERATION	16
30	Requests for reconsideration of a BCUC decision, order, rule or regulation	16
31	Filing an application for reconsideration	16
32	Stay of decision	17
33	Summary dismissal of a reconsideration application	17
34	Reconsideration hearing	18
	PART VI – PARTICIPANT COST AWARDS	18
35	Purpose	18
36	Definition of a participant	18
37	General	19
38	Eligibility for a cost award	19
39	Costs that may be awarded	19
40	Applying for a cost award	21
41	Assessment criteria for a cost award	22
42	Interim cost awards	22
43	Process for updating the rate schedule	23

PART I – GENERAL

1 Application of the rules

Any person engaged in any matter before the BCUC must follow all rules, guidelines and practice directives that are issued by the BCUC.

2 Interpretation of the rules

These rules must be liberally construed in the public interest to ensure the fairest, most expeditious and efficient determination of every matter before the BCUC consistent in all cases with the requirements of procedural fairness.

3 Definitions

In these rules:

- (a) “applicant” means a person who makes an application;
- (b) “application” means an application to the BCUC for an approval, licence, order or other relief under the *Utilities Commission Act* or any other enactment;
- (c) “BCUC” means the British Columbia Utilities Commission;
- (d) “BCUC’s website” means the website maintained by the BCUC at www.bcuc.com;
- (e) “document” includes written documentation, films, photographs, charts, maps, plans, graphs, surveys, books of account, transcripts, emails, information stored by means of an electronic storage and retrieval system, electronic files and video and audio recordings, whether filed as evidence, submissions to, applications or correspondence with the BCUC;
- (f) “e-Filing system” means the BCUC’s regulatory electronic filing system that is accessible on the BCUC’s website;
- (g) “file” means to submit documents to the Commission Secretary either electronically via the e-Filing system, or, if participating non-electronically, by mail, courier or personal delivery;
- (h) “hearing” means a hearing before the BCUC and includes an oral hearing and a written hearing as well as a streamlined review process and a hearing regarding a negotiated settlement process;
- (i) “information request,” also referred to as an “interrogatory,” means a request that an applicant, intervener or the BCUC may make of a party to elicit information on the proceeding record that is relevant to the issues to be considered by the BCUC in the proceeding;
- (j) “intervener” means a person who has been granted intervener status in a proceeding by the BCUC.
- (k) “party” means an applicant, intervener or other person who has been permitted according to these rules to participate in a proceeding;
- (l) “person” includes an individual, as well as an incorporated or unincorporated organization such as a corporation, partnership or duly constituted public group;
- (m) “proceeding” means a process initiated to decide a matter before the BCUC~~either initiated by or brought before the BCUC~~, including a matter commenced by application, transfer and direction, review or inquiry and may result in adjudication or a report;
- (n) “proceeding record” means all documents, including evidence and submissions, filed in connection with a proceeding whether filed prior to, or during, the proceeding. The public record, found on the BCUC’s website, does not include documents that are subject to a confidentiality order of the BCUC;

- (o) “register online” means submitting a completed online registration form with the BCUC in order to log into the e-Filing system and/or to receive electronic notification of all non-confidential evidence filed by parties for the BCUC’s consideration in a particular proceeding;
- (p) “regulatory timetable” means the timetable that is established for the proceeding by the BCUC;
- (q) “representative” means the agent of or solicitor for a party;
- (r) “rules” means these Rules of Practice and Procedure;
- (s) “subscriber” means a person who has registered to receive automated email notifications of all documents posted by the BCUC to a proceeding’s webpage. A subscriber’s information will not be made public on the proceeding webpage.

4 Rules of Practice and Procedure

- 4.01 In accordance with sections 2.1 and 4(1) of the *Utilities Commission Act*, and sections 11(1) and (2) of the *Administrative Tribunals Act*, the BCUC adopts these rules and will decide the most appropriate and effective management of its resources and the ordering of its proceedings.
- 4.02 Notwithstanding the procedures provided for in the rules, the BCUC may do whatever is appropriate and permitted by law to enable it to effectively and completely adjudicate the matter before it.
- 4.03 In accordance with the *Administrative Tribunals Act*, the BCUC may waive or modify one or more of its rules in exceptional circumstances.
- 4.04 The rules are available for examination on the BCUC’s website, or upon request from the Commission Secretary.

5 Personal information collection and/or distribution

- 5.01 The BCUC is authorized by sections 26(c) and 33 of the *Freedom of Information and Protection of Privacy Act* to collect and publish a person’s personal information in a matter before the BCUC if necessary.
- 5.02 Subject to the *Freedom of Information and Protection of Privacy Act* and the rules in Part IV – Confidential Documents, all documents filed in respect to a proceeding must be placed on the public proceeding record. If a party wishes to keep any information in a document confidential, the party must submit a request for confidentiality to the BCUC at the time of filing, in a manner consistent with Part IV of these rules.
- 5.03 Any questions regarding the BCUC’s collection of personal information can be directed to the Commission Secretary at commission.secretary@bcuc.com, or Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3.

6 Failure to comply

- 6.01 If a party fails to comply with the BCUC's rules, guidelines or practice directives, the BCUC may take steps it considers reasonable including, but not limited to, withdrawing the status of the party.
- 6.02 If a party fails to comply with a time limit or filing protocol specified in the rules or by the BCUC, the BCUC may disregard the party's document. However, a party may file a written request to the BCUC for an extension. The request must outline the reasons for the extension request and the proposed alternative time.
- 6.03 No proceeding is invalid by reason alone of an irregularity in form.

PART II – PARTICIPATION IN A PROCEEDING

7 Subscribe

- 7.01 A person who wishes to receive automated email notifications of all documents posted by the BCUC to the proceeding's webpage must register online via the BCUC's website using the Ssubscription form.
- 7.02 To unsubscribe from automated email notifications a person must submit a request by email to commission.secretary@bcuc.com.
- 7.03 Subscribing for automated email notifications does not enable a person to otherwise participate in a proceeding.

8 Letters of comment

- 8.01 Letters of comment are intended to provide an opportunity for ~~any~~ members of the public to contribute views, opinions, and /or a description of the impact or potential impact, with respect to a matter before the BCUC, to a public record.
- 8.01.1 Due to their active participation in a proceeding and adherence to an established regulatory timetable, interveners are not permitted to file letters of comment, unless requested or otherwise permitted by the BCUC. If an intervener files a letter of comment, the BCUC may disallow the letter of comment unless the intervener requests to change standing.
- 8.02 Letters of comment must be in the Letter of Comment Form and be submitted via the BCUC's website; ~~by email. Persons who do not have reasonable access to internet or~~ commission.secretary@bcuc.com; or by who have no reasonable means to convert an unsupported electronic document into a supported format may file the letter of comment in

paper copy via mail, courier ~~or~~, personal delivery to Commission Secretary, or any other means directed by the BCUC (Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3-), together with a declaration providing the person's consent to have their letter of comment and the person's name posted to the BCUC's website.

- 8.03 A letter of comment must:
- (a) describe the nature of the person's interest in the proceeding; and
 - (b) state the person's views regarding the proceeding; including any relevant information that is useful in supporting or explaining the views.
- 8.04 The BCUC will include the author's name on the proceeding record but will remove all other personal information before publication on the BCUC's website.
- 8.05 Letters of comment are not automatically accorded the same weight as evidence that has been either adopted under oath, subject to information requests or otherwise tested.
- 8.06 In the interests of fairness and/or efficiency, the BCUC may limit persons to one letter of comment.
- 8.07 The BCUC may disallow any letters of comment that contain vulgar language, personal attacks or offensive terms or that do not follow the rules.
- 8.08 Letters of comment must be received by the BCUC by the last date included in the proceeding's regulatory timetable before final arguments, unless the BCUC directs otherwise. Letters of comment that are received late may not be considered by the BCUC in the proceeding.
- 8.09 Submitting a letter of comment does not enable persons to otherwise participate in a hearing or reconsideration proceeding.

9 Requests for intervener status in a proceeding

- 9.01 To request intervener status, a person must complete and submit a Request to Intervene Form via the BCUC's website; by email to commission.secretary@bcuc.com; or by mail, courier or personal delivery to Commission Secretary, Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3.
- 9.02 Requests for intervener status must be received by the BCUC by the registration deadline established in the regulatory timetable for the proceeding.
- 9.03 The BCUC, in its discretion, may allow late requests for intervener status. Unless otherwise specified by the BCUC, once a late request for intervener status is accepted, the late intervener may only participate from that point onward in the proceeding.
- 9.04 Persons requesting intervener status must demonstrate to the satisfaction of the BCUC that they are directly or sufficiently affected by the BCUC's decision, ~~or that they have experience,~~

~~information or expertise relevant to a matter before the BCUC that would contribute to the BCUC's decision-making.~~

- 9.05 Persons requesting intervener status who are not individuals or BCUC regulated entities must submit both:
- (a) a completed Request to Intervene Form; and
 - (b) an informational document (as a single PDF) that includes:
 - (i) a description of the organization's mandate and objectives;
 - (ii) a description of its membership, including the membership processes if any, and the individuals, groups or interests it represents;
 - (iii) the types of programs and/or activities it carries out;
 - (iv) the identities of any authorized representatives and addresses; and
 - (v) any other information the BCUC may request.
- 9.05.1 The information provided in the informational document must be current, accurate and filed in accordance with Part III of the rules respecting document filing. Any material changes to the information contained in the informational document must be filed with the BCUC as soon as possible.
- 9.05.2 If the request to intervene is accepted, the BCUC will retain the informational document for a period of twelve ~~(12)~~ months from the date it is filed and may refer to it during that time, when appropriate.
- 9.05.3 If an informational document has been filed with the BCUC within the past twelve ~~(12)~~ months, a person who is not an individual or a BCUC regulated entity must only submit a Request to Intervene Form for each proceeding in which it intends to participate as an intervener and indicate on the form that it has already submitted an informational document.
- 9.05.4 Twelve ~~(12)~~ months after the date an informational document was filed, a person who is not an individual or a BCUC regulated entity is required to submit an updated informational document with its next request to intervene.
- 9.06 The BCUC may ~~refused~~deny a request for intervener status for reasons, including but not limited to, that the request:
- (a) is frivolous, or vexatious;
 - (b) does not meet the requirements in Rule 9.04;
 - (c) is irrelevant or is not in response to issues addressed in the particular proceeding; or
 - (d) is not filed in accordance with the rules.
- 9.07 The BCUC may grant intervener status subject to conditions it considers appropriate.
- 9.08 The BCUC may determine the scope of an intervener's participation considering, for example, the person's interest, and the nature, importance and breadth of issues the person plans to address.

- 9.09 When a request to intervene is accepted, the BCUC will send the intervener a link to register online. Online registration enables an intervener to submit documents via the e-Filing system, and to receive automated email notifications of all the documents posted to the website in regard to the proceeding.
- 9.10 If accepted and if the intervener has participated in a proceeding in the past twelve ~~(12)~~ months and already has a username, the BCUC will send the intervener an email stating that the BCUC has added the user to the proceeding.

10 Participation of interveners

- 10.01 Intervenors are expected to participate actively, responsibly and respectfully for the duration of the proceeding.
- 10.02 Intervenors are expected to take reasonable efforts to avoid the duplication of evidence.
- 10.03 The BCUC encourages and may require an intervener to coordinate with other intervenors who represent substantially similar interests.

11 Use and disclosure of artificial intelligence

- 11.01 If generative artificial intelligence, such as ChatGPT or an analogous program, was employed to generate content in any oral or written submissions to the BCUC, including, but not limited to, evidence, arguments, or information requests and responses to information requests, the party who made that submission must disclose the use of generative artificial intelligence to the BCUC at the outset of the submission. This disclosure must:
- (a) identify the content for which generative artificial intelligence was used;
 - (b) identify the generative artificial intelligence platform(s) used; and
 - (c) affirm that an individual has reviewed the content created using generative artificial intelligence.

12 Directions regarding an oral hearing

- 12.01 If the BCUC holds an oral hearing, the BCUC may issue directions regarding the conduct of the oral hearing, including with respect to:
- (a) whether participants may attend the oral hearing in person, or by video link, telephone or other electronic means;
 - (b) the scope of the oral hearing;
 - (c) time limits on participants in the oral hearing; and
 - (d) any other matters the BCUC considers appropriate to ensure a fair, effective and efficient process.

12.02 The BCUC may direct a person to:

- (a) attend an oral hearing to give evidence; or
- (b) produce a document or other thing in the person's possession or control.

13 Oath or affirmation

13.01 Unless otherwise directed, a witness at an oral hearing must provide evidence orally on oath or affirmation.

14 Documentary evidence in an oral hearing

14.01 Unless otherwise directed, no documentary evidence may be presented at an oral hearing unless the evidence was filed in accordance with the rules regarding document filing no later than 24 hours before the document is to be introduced at the oral hearing.

14.02 Unless otherwise directed, a party must not use a document that has not yet been filed in the proceeding as an aid to cross-examine a witness at an oral hearing, unless that party had provided a copy of that aid to the witness, or the witness's representative, no later than 24 hours before the witness is to be cross-examined on the aid.

14.03 An aid to cross-examine a witness will not form part of the proceeding record until the BCUC permits.

14.04 The BCUC may permit an aid to cross-examine a witness to be added to the proceeding record during the course of an oral hearing, after it has been presented to a witness.

14.05 A party that intends to use a document as an aid to cross-examine a witness must highlight all passages in the document that the party intends to cross-examine the witness on, if the document has five or more pages.

15 Hearings in absence of the public

15.01 The BCUC may hold part of an oral hearing in the absence of the public subject to any directions the BCUC may issue in this regard.

15.02 A party that wishes to attend an oral hearing, or part of an oral hearing, that is to be held in the absence of the public must submit a request to attend, including justification, subject to review by the BCUC.

16 Transcripts

- 16.01 In a proceeding or any other transcribed process where evidence, argument, submissions, or any other oral statements are transcribed by an official reporter of the BCUC, the transcript will form part of the proceeding record.
- 16.02 The transcript will be placed on the BCUC's website unless the BCUC determines the transcript is confidential.
- 16.03 Transcripts of the official reporter of the BCUC are the property of the BCUC, and no party shall make any amendment, correction, or other change to the transcript unless the party has filed a request and received approval from the BCUC.
- 16.04 In the case of a potential transcription error or correction of statements made in the transcript, the following shall apply:
- (a) a party to the proceeding must request a change to the transcript by making a request in writing to the Commission Secretary as soon as practicable;
 - (b) the BCUC will notify all parties to the proceeding of this request;
 - (c) the BCUC may initiate a review of the recording and, if so, will determine whether a change to the transcript will be made;
 - (d) if any change to the transcript is made by the BCUC, all parties to the proceeding will be notified of the change made to the transcript;
 - (e) the BCUC will include an errata sheet at the beginning of the transcript to indicate any changes made.

PART III – DOCUMENT FILING

11.17 Filing and service of documents

- 11.0117.01 Documents, including applications and notices of appeal, should be filed in such quantity and in such manner as may be specified by the BCUC. Unless otherwise specified by the BCUC, all correspondence including evidence and submissions must be filed under cover letters addressed to the Commission Secretary.
- 11.0217.02 Parties are required to register online. A party's registered User ID and password must be used to log on to the e-Filing system in order to upload and submit documents.
- 11.0317.03 Filings must be submitted on or before a specified filing date, if applicable.
- 11.0417.04 All documents filed in a proceeding, with the exception of documents the BCUC deems confidential, may be accessed through the BCUC's website.
- 11.0517.05 Any person wishing to access a document on a proceeding record not published online, or wishing to access a document on a proceeding record in hard copy, may make arrangements

to do so with the Commission Secretary in accordance with access and privacy rules and legislation.

~~11.06~~17.06 Parties must file all documents electronically via the e-Filing system as a file attachment in unprotected PDF searchable format and, if applicable, must clearly display the name of the proceeding in the document.

~~11.06.1~~17.06.1 Documents must not contain symbols or quotation marks (e.g., “\$#!@”) in the file name otherwise the document will open as a blank file and the BCUC will consider the document not received.

~~11.06.2~~17.06.2 Parties who do not have reasonable access to internet ~~or email~~, or who have no reasonable means to convert an unsupported electronic document into a supported format may file the document in paper copy via mail, courier, personal delivery or any other means directed by the BCUC (Suite 410, 900 Howe Street, Vancouver, BC, V6Z 2N3).

~~11.06.3~~17.06.3 Where possible, each ~~document~~filing must be submitted as one ~~(1)~~ PDF document, including cover letter and attachments, such as .doc or .xls files. ~~Documents must clearly display the name of the proceeding in the file name, if applicable.~~

~~11.07~~17.07 Whether filed electronically or non-electronically, documents must be received by the BCUC by the specified filing date, if applicable, unless otherwise directed by the BCUC.

~~11.07.1~~17.07.1 Arrangements may be made with the Commission Secretary for evidence that cannot reasonably be filed ~~in paper~~as a PDF, such as video or recorded evidence.

~~11.08~~17.08 Documents filed non-electronically must be complete and identical to the electronic copy.

~~11.09~~17.09 The BCUC may request hard copies of filings which must be couriered to the BCUC office within three ~~(3)~~ business days of the BCUC’s request.

~~11.10~~17.10 The assignment of an exhibit number to a document does not prevent other parties from challenging its admissibility. If the BCUC rules a document inadmissible, the document and its exhibit letter and number will be expunged from the record.

~~11.11~~17.11 The BCUC’s website will send an automated email to all parties and subscribers who have registered online when a document has been posted to the proceeding record posted on the BCUC’s website.

~~11.12~~17.12 The BCUC considers a document to be served on a party once it is added to the BCUC’s proceeding record and posted on the BCUC’s website. For parties that participate by mail, the

BCUC considers documents to be served after two ~~(2)~~ business days of being sent if couriered or five ~~(5)~~ business days if regular mail was used.

~~11.13~~17.13 The BCUC may require a party to mail or courier paper copies of documents it files to other parties who do not have reasonable access to internet or email.

~~11.14~~17.14 All documents filed with the BCUC must be in the English language, unless otherwise directed by the BCUC. If an original document is in a language other than English, a certified translation of that document must be submitted with the original document.

~~11.15~~ If a party files a document during an oral phase of a hearing, the document must be filed with the hearing officer who will assign it an exhibit number, ensure sufficient paper copies are distributed to the other parties and upload an electronic copy to the BCUC's website.

~~12.18~~ Information requests

~~12.01~~18.01 In an information request, the BCUC, applicant or intervener may request another party within the time limit set by the BCUC, to provide information necessary:

- (a) to clarify any documentary evidence filed by the other party;
- (b) to facilitate a better understanding of the issues relevant to the proceeding; or
- (c) to assist with the resolution of the proceeding.

~~12.02~~18.02 An information request must:

- (a) be issued by the BCUC, applicant or intervener in accordance with a ~~Commission~~BCUC order;
- (b) be addressed to Commission Secretary and include in the subject line the party from whom a response is sought and the proceeding name, unless the BCUC otherwise orders;
- (c) contain specific questions seeking information or documents that are relevant to the proceeding and in the possession of the responding party;
- (d) be filed in accordance with rules pertaining to document filing, unless otherwise directed by the BCUC;
- (e) group questions together according to the issue to which they relate;
- (f) be numbered using a continuous numbering system; ~~and~~
- ~~(g)~~ set out the date on which the information request is filed; and-
- ~~(g)(h)~~ include a Word version of the information request attached to the PDF document, where practicable.

~~12.03~~18.03 To the extent practicable, information requests should cite the volume, tab and page number of the evidence to which it refers.

~~12.04~~18.04 To the extent practicable, parties should not duplicate other parties' or the BCUC's information requests.

~~13.19~~ Responses to information requests

~~13.01~~19.01 Subject to these rules, a party who is served with an information request must provide a full and adequate response to each question.

~~13.02~~19.02 A response to an information request must:

- (a) be filed in accordance with rules pertaining to document filing, as applicable, unless directed otherwise by the BCUC;
- (b) repeat each substantive question at the beginning of each response but not include the full set of questions at the front of the response;
- (c) number the responses using the same numbering system as in the information request;
- (d) identify the appropriate individual(s) in the cover letter who can be contacted for information related to the information request responses; and
- (e) where a response to an individual question is responded to by persons other than the party to whom the information request is directed (i.e., a consultant, expert or other third party, etc.) as part of the response, identify, where appropriate, the person(s) responding to that question;
- (f) set out the date on which the response is filed; and
- (g) utilize the bookmark functionality of PDF form documents or Word documents to bookmark each group of issues as identified in the original information request, where practicable.

~~13.03~~—A response to an information request should:

- ~~(a) utilize the bookmark functionality of PDF form documents or Word documents to bookmark each group of issues as identified in the original information request; and~~
- ~~(b) set out the date on which the response is filed.~~

~~13.04~~19.03 If a party who is served with an information request is not able or not willing to prepare a full and adequate response, the party must do one of the following:

- (a) If the party considers an information request unclear:
 - (i) it is incumbent upon that party to make reasonable efforts to contact the requestor to clarify the question and respond in accordance with the deadline for information request responses; and
 - (ii) where clarification cannot be obtained in a timely manner, the party responding to the information request must state any assumptions made respecting the interpretation of the question;
- (b) If the party contends that the information required to answer the information request is not relevant, the party must:
 - (i) file a response that sets out specific reasons in support of that contention; and
 - (ii) file any portion of the response that the party does consider relevant;
- (c) if the party contends the information necessary to provide an answer is privileged, not available or cannot be provided with reasonable effort, file a response that:
 - (i) sets out the specific reasons in support of that contention; and
 - (ii) contains such other information that the party considers would be of assistance to the party making the information request that is available and can be provided with reasonable effort;
- (d) if the party contends that the information requested is confidential:
 - (i) file a request for confidentiality for all or any part of the response in accordance with the rules pertaining to confidential filings; and
 - (ii) where practicable, file other non-confidential information that the party considers would be of assistance to the party making the information request;

- (e) if the party contends that the information is culturally sensitive in the case of Indigenous knowledge:
 - (i) provide an explanation for the contention and identify the elements of the requested information that can be provided publicly and those which cannot be shared for cultural reasons; and
 - (ii) where practicable, propose an alternative approach to providing the information.

~~13.05~~19.04 If a party fails to respond, or if a party, including BCUC staff, is not satisfied with an information request response, a party may file a request that the matter be settled by the BCUC.

~~14.20~~ BCUC procedures for documents filed in a proceeding

~~14.01~~20.01 The BCUC will assign an exhibit number to the document prior to posting it on the proceeding page.

~~14.02~~20.02 The BCUC will scan and upload submissions to the proceeding's exhibit list for parties who submit documents non-electronically due to not having reasonable access to the internet or email.

~~14.03~~20.03 If an intervener reasonably requires paper copies of documents, the BCUC may provide the intervener's mailing information to the proceeding's participants with a request that the intervener be served by mail. The BCUC will mail paper copies of its documents to parties who demonstrate an inability to access the electronic public proceeding record.

~~14.04~~20.04 The BCUC may require the applicant to make copies of the application available in local utility facilities, libraries or other locations.

~~15~~ Transcripts

~~15.01~~ In a proceeding or any other transcribed process where evidence, argument, submissions, or any other oral statements are transcribed by an official reporter of the BCUC, the transcript will form part of the proceeding record.

~~15.02~~ The transcript will be placed on the BCUC's website unless the BCUC determines the transcript is confidential.

~~15.03~~ Transcripts of the official reporter of the BCUC are the property of the BCUC, and no party shall make any amendment, correction, or other change to the transcript unless the party has filed a request and received approval from the BCUC.

~~15.04~~ In the case of a potential transcription error or correction of statements made in the transcript, the following shall apply:

- ~~(a) a party to the proceeding must request a change to the transcript by making a request in writing to the Commission Secretary as soon as practicable;~~
- ~~(b) the BCUC will notify all parties to the proceeding of this request;~~
- ~~(c) the BCUC may initiate a review of the recording and, if so, will determine whether a change to the transcript will be made;~~
- ~~(d) if any change to the transcript is made by the BCUC, all parties to the proceeding will be notified of the change made to the transcript;~~
- ~~(e) the BCUC will include an errata sheet at the beginning of the transcript to indicate any changes made.~~

PART IV – CONFIDENTIAL DOCUMENTS

1621 Application and availability of the rules

These rules apply to all requests for confidentiality and confidential documents filed with the BCUC in regard to any and all matters, unless otherwise directed by the BCUC.

1722 Information collection and/or distribution

~~17.01~~22.01 Subject to the following, and to other related statutory provisions and exceptions or exclusions by law, including the *Freedom of Information and Protection of Privacy Act*, the *Utilities Commission Act* and the *Administrative Tribunals Act*, information filed by parties in a matter before the BCUC will be placed on the proceeding record and may be made publicly available.

~~17.02~~22.02 For greater certainty, nothing in these rules is intended to limit the operation of any statutory provision that protects the confidentiality of information ~~or~~ documents.

1823 Requests for confidentiality

~~18.01~~23.01 If a party wishes to keep confidential any information in a document filed in any matter before the BCUC, in addition to the document, at the time of filing, the party must file:

- (a) a request that all or any part of the document be held in confidence which must:
 - (i) briefly describe the nature of the information in the document and the reasons for the request for confidentiality, including the specific harm that could reasonably be expected to result if the document was made publicly available;
 - (ii) indicate whether all or only a part of the document is the subject of the request; and
 - (iii) provide, with explanation, a period of time for which the document should remain confidential.
- (b) a proposed redacted version of the document that the BCUC may make publicly available, where possible.

~~18-02~~23.02 The party requesting confidentiality bears the onus of establishing why the information should be treated as confidential by the BCUC.

~~18-03~~23.03 The request for confidentiality will be a matter of public record, unless the BCUC directs otherwise.

~~18-04~~23.04 If a party wishes for the BCUC to continue holding the document in confidence beyond the period of time it initially specified under Rule ~~23~~18.01(a)(iii), the party must once again file the information required in Rule ~~18~~23.01.

~~19~~24 Hearings to consider confidentiality of documents

~~19-01~~24.01 The BCUC may, with or without a hearing or further process, grant a request for confidentiality on any terms it considers appropriate.

~~19-02~~24.02 Where the BCUC holds a hearing to consider the request for confidentiality, the BCUC may direct that the hearing be held in the absence of the public.

~~20~~25 Decisions made by the BCUC regarding confidentiality

~~20-01~~25.01 In determining whether ~~the nature of the~~ information or documents ~~require a confidentiality direction should be held confidential~~, the BCUC will have regard to matters that it considers relevant, including:

- (a) whether the disclosure of the information could reasonably be expected to result in:
 - (i) undue material financial loss or gain to a person;
 - (ii) significant harm or prejudice to that person's competitive or negotiating position; or
 - (iii) harm to individual or public safety or to the environment;
- (b) whether the information is personal, financial, commercial, scientific, labour relations or technical information that is confidential and consistently treated as confidential by the person;
- (c) whether the person's interest in confidentiality outweighs the public interest in the disclosure of the information or documents in the hearing;
- (d) whether the person submitting the document has any legal obligation to maintain confidentiality; and
- (e) whether it is practicable to hold the hearing in a manner that is open to the public.

~~21~~26 Documents accepted as confidential

~~21-01~~26.01 If accepted by the BCUC as confidential, the documents or the portions thereof will not be made publicly available.

~~21-02~~26.02 If the document is accepted as confidential, the BCUC may make the proposed redacted version of the confidential document publicly available, or may adjust or require the filing party to change the redaction in accordance with what it deems necessary for transparency and public interest.

~~21.03~~**26.03** A party may object to a request for confidentiality by filing an objection with reasons in a timely manner. The BCUC will give the party claiming confidentiality, together with a person who may be affected by disclosure, an opportunity to reply to an objection.

~~22.27~~ Documents not accepted as confidential

~~22.01~~**27.01** If a document is filed confidentially and the request for confidentiality is denied, the BCUC may allow the person that submitted the documents an opportunity to make submissions as to what should be done with the document, such as withdrawing the document.

~~23.28~~ Filing confidential documents

~~23.01~~**28.01** Rules respecting confidential documents are to be considered also in accordance with rules pertaining to document filing.

~~23.02~~**28.02** Confidential material must be filed separately from non-confidential material. When necessary, within non-confidential filings, reference the confidential filing.

~~23.03~~**28.03** Documents filed with the BCUC that a party requests to be confidential or that claim to contain confidential material must clearly designate it in the document, the document's file name and on the cover letter, as well as be watermarked, if possible ("Confidential" or "Contains Confidential Material").

~~23.04~~**28.04** Paper copies of confidential documents filed in binder form must have the word "Confidential" included on the binder cover.

~~23.05~~**28.05** If a party files a document that is marked "Confidential" but is no longer confidential, the party must notify the BCUC in writing that the document may be made public.

~~24.29~~ Requests for access to confidential documents in a proceeding

~~24.01~~ If the BCUC grants a request for confidentiality, the BCUC, with comments from the party submitting the document, and/or any party affected by disclosure of the confidential document, may consider whether access to the confidential information may be provided to certain parties upon request.

~~24.02~~**29.01** Parties ~~A party~~ requesting access to confidential information must submit a request Declaration and Undertaking Form electronically to the BCUC, with a copy to the party who filed the confidential information, identifying which document(s) they wish to access, providing an explanation of the relevance of the document(s) to their participation in the proceeding, and describing how the document will be used. ~~document confidentially, that explains the reason(s) for the request and a statement describing how access to the information pertains to their participation in the proceeding.~~

~~24.03~~ If a request for access to confidential information is accepted, the requestor must sign and file with the party and the BCUC a Declaration and Undertaking form in respect of the use of the confidential information before receiving a copy of the confidential information from the party. The Declaration and Undertaking form is a binding commitment by the requestor: (i) to use the confidential information disclosed exclusively for purposes related to the proceeding; (ii) to hold the information in confidence; (iii) to not reproduce the document(s) disclosed; and (iv) to return to the party the confidential document(s) or to destroy the confidential document(s) within fourteen (14) days of the BCUC's final decision in the proceeding. The BCUC may impose any other additional conditions or safeguards as it considers appropriate in the circumstances.

~~29.02~~ Any party may object to a request for access to confidential information by filing The party who filed the confidential information may either:

- (a) Provide the requesting party with access to the confidential information, and file confirmation with the BCUC that access has been provided; or
- (b) File an objection to the access request with the BCUC, with supporting reasons in a timely manner.

~~24.04~~~~29.03~~ If the party who filed the confidential information files an objection pursuant to Rule ~~29.02(b)~~, the BCUC ~~may~~The BCUC will give the party ~~claiming confidentiality and the requestor requesting access~~ an opportunity to reply ~~to an objection~~.

~~24.05~~~~29.04~~ The BCUC will render the final determination as to whether access will be granted to the confidential information ~~and the conditions on a party's access, including any additional conditions or safeguards as it considers appropriate in the circumstances.~~

PART V – RECONSIDERATION

2530 Requests for reconsideration of a BCUC decision, order, rule or regulation

~~25.01~~~~30.01~~ For the purposes of Part V of these rules, any reference to a decision means a decision, an order, a rule or regulation of the BCUC.

~~25.02~~~~30.02~~ The BCUC, on application or on its own motion, may reconsider a decision and may confirm, vary or rescind the decision.

2631 Filing an application for reconsideration

~~26.01~~~~31.01~~ A person, other than the applicant or an intervener in the original proceeding that gave rise to the decision, may not file an application for reconsideration without obtaining prior permission of the BCUC. In applying to the BCUC for permission to file an application for reconsideration, the person seeking permission must explain:

- a) why the person did not participate in the original proceeding; and

- b) how the person is directly or sufficiently affected by the decision ~~or how the person has experience, information, or expertise relevant to a matter arising from the decision.~~

~~26.02~~31.02 Subject to Rule ~~26~~31.03, unless prior permission of the BCUC is obtained, an application for reconsideration must be filed with the BCUC within 60 days of the issuance of the order or the reasons for decision, whichever is later.

~~26.03~~31.03 Unless prior permission of the BCUC is obtained, an application for reconsideration of a decision issued in relation to a participant cost award must be filed within 30 business days of the decision being issued.

~~26.04~~31.04 An application for reconsideration must be filed in accordance with the rules pertaining to document filing and must:

- (a) be in writing and, unless prior permission of the BCUC is obtained, not longer than 30 pages (excluding appendices and/or attachments);
- (b) identify the decision affected;
- (c) state the applicant's name and the representative's name, if applicable;
- (d) describe the impact of the decision and how it is material;
- (e) set out the grounds for reconsideration in accordance with Rule ~~26~~31.05; and
- (f) set out the remedy the applicant is seeking.

~~26.05~~31.05 An application for reconsideration of a decision must contain a concise statement of the grounds for reconsideration, which must include one or more of the following:

- (a) the BCUC has made an error of fact, law, or jurisdiction which has a material bearing on the decision;
- (b) facts material to the decision that existed prior to the issuance of the decision were not placed in evidence in the original proceeding and could not have been discovered by reasonable diligence at the time of the original proceeding;
- (c) new fact(s) have arisen since the issuance of the decision which have material bearing on the decision;
- (d) a change in circumstances material to the decision has occurred since the issuance of the decision; or
- (e) where there is otherwise just cause.

~~27~~32 Stay of decision

~~27.01~~32.01 An application for reconsideration of a decision does not automatically stay or suspend the operation of the decision.

~~27.02~~32.02 The BCUC may, in its discretion or on application, stay the operation of the decision in the original proceeding, or part thereof, pending the outcome of the reconsideration on terms the BCUC considers appropriate.

~~28~~33 Summary dismissal of a reconsideration application

~~28.01~~33.01 Upon the filing of an application for reconsideration of a decision, the BCUC may, without further process, summarily dismiss the application, in whole or in part, on the basis that it fails to establish, on its face, any reasonable grounds for reconsideration of the decision.

~~28.02~~33.02 In the event the BCUC summarily dismisses an application for reconsideration of a decision in whole, the BCUC will make publicly available both the application and the final order with reasons.

~~29~~34 Reconsideration hearing

~~29.01~~34.01 In the event the BCUC does not dismiss the whole application for reconsideration pursuant to Rule ~~28~~33.01, the application for reconsideration or the portion of the application that is not dismissed will proceed to a hearing.

~~29.02~~34.02 Parties to the original proceeding will be notified that the BCUC is conducting a hearing on the application for reconsideration.

~~29.03~~34.03 Any person who wishes to intervene in the reconsideration hearing must make such request in accordance with the rules pertaining to requests for intervener status in a proceeding.

~~29.04~~34.04 The BCUC will determine the regulatory process for the reconsideration hearing, which may include, but is not limited to:

- (a) whether the hearing will be wholly, or in part, written, oral, or a combination thereof;
- (b) a determination as to whether any new evidence or evidence of a change of circumstances will be permitted on the reconsideration hearing and the timing of submissions on these issues;
- (c) the scheduling of oral hearings, if any;
- (d) the scheduling of arguments, if any; and
- (e) any other procedural directions the BCUC considers appropriate.

PART VI – PARTICIPANT COST AWARDS

~~30~~35 Purpose

~~30.01~~35.01 The purpose of the rules ~~in Part VI relating to cost awards~~ is to encourage effective participation in BCUC proceedings that contributes to a fair, cost effective and timely determination or completion of every proceeding on its merits.

~~31~~36 Definition of a participant

~~31.01~~36.01 The term “participant” means:

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

~~3237~~ General

~~32.01~~37.01 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.

~~32.02~~37.02 The BCUC may establish a cap on all, or on part of, a cost award available in a proceeding to any or all participants.

~~32.03~~37.03 A participant may only claim costs for participation in a proceeding from the date the proceeding is initiated until the issuance of the final decision or report.

~~32.04~~37.04 Interim cost awards in respect of a proceeding may be available pursuant to Rule ~~37~~42.

~~3338~~ Eligibility for a cost award

~~33.01~~38.01 A participant is eligible, subject to Rule ~~3338~~38.02, for a cost award in a proceeding.

~~33.02~~38.02 The following participants are not eligible for a cost award in a proceeding unless otherwise ordered by the BCUC:

- (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.

~~33.03~~38.03 A participant who, pursuant to Rule ~~3338~~38.02 is not eligible for a cost award, may apply for an order granting eligibility. Such application must be made as soon as practicable following commencement of the proceeding.

~~3439~~ Costs that may be awarded

~~34.01~~39.01 Participants may be eligible to receive cost awards for forgone earnings, dependant care, professional services, disbursements, taxes, and other costs as applicable under this Rule.

~~34.02~~39.02 As outlined in Rules ~~3439~~39.04 through ~~3439~~39.09, there are differences or limitations applied to participants with respect to their eligibility for costs.

~~34.03~~39.03 Participants are not eligible for costs for making an application for either interim or final cost awards.

~~34.04~~39.04 **Costs for forgone earnings and dependant care**

~~34.04.139.04.1~~ Only participants who are individuals are eligible for forgone earnings and dependant care costs.

~~34.04.239.04.2~~ A participant that is an individual, subject to Rule ~~3439.05.4~~, is limited to a cost award for forgone earnings, dependant care costs and disbursements.

~~34.04.339.04.3~~ The maximum rates for forgone earnings and dependant care are set out in Attachment A.

~~34.0539.05~~ **Costs for professional services**

~~34.05.139.05.1~~ Professional services include:

- (a) legal counsel;
- (b) consultants, who are specialists in aspects of business or science such as finance, economics, accounting, engineering or the natural sciences, providing services related to their speciality;
- (c) expert witnesses qualified to provide evidence related to their area of expertise; and
- (d) case managers providing coordination and management services including, but not limited to, coordinating the cost effective and timely use of services from legal counsel, consultants and/or expert witnesses and performing tasks that enable a coalition of participants with similar positions in a proceeding.

~~34.05.239.05.2~~ The maximum hourly rates for professional services are set out in Attachment A.

~~34.05.339.05.3~~ The BCUC may, on application by a participant, award costs for consultants or expert witnesses at a rate that exceeds the maximum hourly rates as set out in Attachment A where the participant demonstrates that such a rate is reasonably necessary for the services required to address the issues in a proceeding.

~~34.05.439.05.4~~ The BCUC may, on application by a participant who is an individual, award costs for the use of professional services up to the maximum professional rates as set out in Attachment A where it deems that the individual's position is unique and not otherwise represented by another participant, and such services are reasonably necessary and appropriate for the individual to participate effectively in a proceeding. Such application must be made as soon as practicable, in the event the individual is granted intervener status in a proceeding. For clarity, the individual's own time spent on participating in the proceeding does not qualify as the use of professional services.

~~34.0639.06~~ **Costs for disbursements**

~~34.06.139.06.1~~ The BCUC may award reimbursement of what it determines to be reasonable disbursements that were necessarily and properly incurred by a participant in the conduct of a proceeding.

34.06.239.06.2 Disbursements, including travel, accommodation, and meals, will be determined in accordance with the British Columbia Government Employees' Union (BCGEU) Rate Schedule as set out in Attachment B, and as updated from time to time.

34.0739.07 **Tax costs**

34.07.139.07.1 Participants may include any applicable GST/PST in respect of costs claimed and must confirm that the applied-for taxes cannot be recovered through an Input Tax Credit or otherwise.

34.0839.08 **Other costs**

34.08.139.08.1 The BCUC may award any other costs that it determines are reasonable and justified.

34.0939.09 **Costs for Indigenous groups**

34.09.139.09.1 In addition to other costs that may be available under Rule 3439, a participant that is an Indigenous group may make a claim for a cost award in a proceeding for relevant matters regarding section 35 of the *Constitution Act*, 1982, which may include costs for community consultations and for participation of traditional knowledge experts and elders.

34.09.239.09.2 In determining a cost award, the BCUC may, in addition to the purpose as set out in Rule 3035.01 and the assessment criteria in Rule 3641, take into consideration any capacity funding received by the Indigenous group with respect to the proceeding for which the award is sought.

3540 **Applying for a cost award**

35.0140.01 Any application by a participant for a cost award must be filed with the BCUC no later than 5ten business days following the issuance of the final decision or report in a proceeding, unless the BCUC permits otherwise.

35.0240.02 An application for a cost award pursuant to Rule 3540.01 must be filed with the BCUC in accordance with the rules pertaining to document filing and must include:

- (a) a completed Cost Award Application Form;
- (b) copies of documentation in support of the Cost Award Application Form; and
- (c) any further evidence or supporting documentation that the BCUC may direct the participant to provide.

35.0340.03 Upon receipt of an application for a cost award:

- (a) the BCUC will, following issuance of the final decision or report in the proceeding, provide the participant(s) responsible for paying the cost in the proceeding with a copy

- of the application, and where the BCUC determines it necessary, will provide any other participant in the proceeding with a copy of the application;
- (b) the participant(s) responsible for paying the cost award and any other participants provided a copy of the application may, within ~~10ten~~ business days of receipt of the application provided in subsection (a), provide submissions in response to the application to the BCUC and the participant applying for the cost award; and
 - (c) the participant applying for a cost award may, within ~~5five~~ business days of receipt of any response provided in subsection (b), provide submissions in reply ~~to the BCUC and the participant(s) responsible for paying the costs.~~

~~35.0440.04~~ The BCUC will, so far as is practicable, issue its decision on final participant cost awards within 60 calendar days after the final decision or report in the proceeding has been issued.

~~3641~~ Assessment criteria for a cost award

~~36.0141.01~~ The BCUC will determine the amount of a cost award, if any, in accordance with the purpose as set out in Rule ~~3035~~.01, and will, so far as is applicable, consider the following criteria:

- (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) ~~C~~ontributed to a better understanding by the BCUC of one or more of the issues in the proceeding;
 - (ii) ~~M~~ade 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) ~~E~~ngaged in conduct or activity that resulted in a more efficient and/or shorter proceeding;
 - (iv) ~~R~~efrained from conduct or activity that unnecessarily lengthened the duration of the proceeding or resulted in unnecessary costs;
 - (v) ~~R~~efrained from conduct or activities which the BCUC considers inappropriate or irresponsible;
 - (vi) ~~M~~ade 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) ~~E~~ngaged in conduct consistent with the participant's approved scope of participation in the proceeding;
 - (viii) ~~I~~ncurred time participating in the proceeding that was proportionate to the scope of the proceeding and/or the complexity or novelty of the proceeding;
 - (ix) ~~C~~omplied with the BCUC's orders, directions, and rules; and
- (d) any other matter the BCUC determines appropriate in the circumstances.

~~3742~~ Interim cost awards

~~37.0142.01~~ Participants eligible for a cost award may make written application for an interim cost award in respect of costs already incurred in a proceeding and/or an estimate of costs anticipated to be incurred in a proceeding.

~~37.0242.02~~ An application for an interim cost award must be filed in accordance with the rules pertaining to document filing and must include:

- (a) a completed Interim Cost Award Application Form in respect of costs already incurred and/or estimated to be incurred in a proceeding;
- (b) evidence in respect of any costs already incurred and/or estimated to be incurred in a proceeding;
- (c) evidence of exceptional circumstances, including, but not limited to financial need, in support of the participant's application for an interim cost award; and
- (d) any further evidence or supporting documentation that the BCUC may direct the participant to provide.

~~37.0342.03~~ Upon receipt of an application for an interim cost award:

- (a) the BCUC will provide the participant(s) responsible for paying the interim cost award in a proceeding with a copy of the application, and where the BCUC determines it necessary, will provide any other participant in the proceeding with a copy of the application;
- (b) the participant(s) responsible for paying the interim cost award and any other participants provided a copy of the application may, within ~~10ten~~ business days of receipt of the application provided in subsection (a), provide submissions in response to the application to the BCUC and the participant applying for the cost award; and
- (c) the participant applying for an interim cost award may, within ~~5five~~ business days of receipt of any response provided in subsection (b), provide submissions in reply ~~to the BCUC and the participant(s) responsible for paying the costs.~~

~~37.0442.04~~ The BCUC in determining whether to grant an interim cost award, in whole or in part, must be satisfied that the participant has established exceptional circumstances, and will determine the amount of an interim cost award, if any, in accordance with the purpose as set out in Rule ~~3035~~.01 and may consider, so far as applicable, the assessment criteria in Rule ~~3641~~.

~~37.0542.05~~ An order granting an interim cost award must include whether the amount awarded constitutes:

- (a) a final cost award for costs already incurred; and/or
- (b) an advance against the BCUC's final cost award determination after the conclusion of the proceeding.

~~37.0642.06~~ For interim cost awards granted under Section ~~3742~~.05 (b), a participant must file a final cost award application under Rule ~~3540~~.

~~3843~~ Process for updating the rate schedule

~~38.0143.01~~ The BCUC may update the rate schedules in Attachments A and B, as needed and appropriate.

ATTACHMENT A
Rate Schedule I effective August 7, 2025~~June 30, 2022~~

1. PROFESSIONAL SERVICES

All applications for professional service costs shall be limited to a maximum of 8 hours per day, unless otherwise approved by the BCUC.

a. *Legal counsel*

Years Since Call	Maximum Hourly Rate
Articling student	\$ 110 <u>130</u>
0–4	\$ 240 <u>290</u>
5–7	\$ 285 <u>340</u>
8–12	\$ 320 <u>385</u>
12+	\$ 350 <u>420</u>

b. *Consultants*

Years of Related Experience	Maximum Hourly Rate
Consultant 0–4	\$ 120 <u>145</u>
Consultant 5–7	\$ 165 <u>200</u>
Consultant 7+	\$ 235 <u>280</u>

c. *Expert witnesses*

Maximum Hourly Rate	
Expert Witness	\$ 270 <u>325</u>

d. *Case managers:*

	Maximum Hourly Rate
Case Manager	\$ 75 <u>90</u>

Pursuant to Rule 394.04:

2. **FORGONE EARNINGS:** maximum \$250 per proceeding day¹ per person.

3. **DEPENDANT CARE:**² maximum \$75 per proceeding day^{~~122~~} per person.

¹ Proceeding days include workshop days, negotiation days, procedural conference days, oral hearing days, streamlined review process days, oral argument days, and other processes in a proceeding provided they are attended in person or by registered on-line attendance or as otherwise allowed by the BCUC.

² A dependant is a person who resides with the participant on a full-time basis and relies on the participant for care (e.g., a child or parent).

ATTACHMENT B
Pursuant to Rules ~~394.06.2~~ and ~~3843.01~~
Rate Schedule II effective ~~August 7, 2025~~~~June 30, 2022~~³

MEAL EXPENSES AND TRAVEL RATES

1. **Meal expenses/travel rates for in-town participants:** In-town participants that attend a hearing may apply for meal expenses and travel rates. Meal expenses, such as lunch, and travel rates are intended for individual participants who do not apply for professional rates.
2. **Meal expenses for out-of-town participants:** Participants that have applied to attend a hearing not in their immediate area may apply for meal expenses.
3. **Travel rates for out-of-town participants:** Participants that have applied for funding to attend a hearing not in their immediate area may apply for travel rates.

MEAL EXPENSES		TRAVEL RATES	
Breakfast only	\$14.58	Vehicle Mileage:	\$.63/km
Lunch only	\$16.87		
Dinner only	\$29.16	Airfare:	Full Fare Economy
Breakfast & Lunch	\$31.45		
Breakfast & Dinner	\$43.74		
Lunch & Dinner	\$46.03		
Breakfast, Lunch & Dinner	\$60.61		

ACCOMMODATION RATES

Single Room Rate Only For a full list of hotels and rates please see:

<http://csa.pss.gov.bc.ca/businesstravel/>

Private accommodation: \$38.41/night

To determine what the current Government rate is in the area in which the hearing is being conducted, please visit the above noted site, and review the Accommodation rate for the hotel the BCUC has booked for the hearing.

For hotels with blacked-out periods, the seasonal rate charged in the month prior to the month in which costs are incurred, shall apply.

Rates charged by hotels not on the Government Accommodation Listing will be subject to review and adjustment by the BCUC.

In order for the participants to receive the Provincial Government Rate, please contact Commission Secretary at the BCUC and request an approval letter: <https://www.bcuc.com/AboutUs/ContactUs>

³ ~~Rates updated April 1, 2024~~



bcuc
British Columbia
Utilities Commission

Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3
bcuc.com

P: 604.660.4700
TF: 1.800.663.1385

Confidentiality Declaration and Undertaking Form

In accordance with the BCUC's Rules of Practice and Procedure, please provide a completed form to the party who filed the confidential document and copy Commission Secretary at commission.secretary@bcuc.com. If email is unavailable, please mail the form to the address above.

Undertaking

I, _____, am representing the party _____ in the matter of _____

In this capacity, I request access to the confidential information in the record of this proceeding. I understand that the execution of this undertaking is a condition of an Order of the BCUC, and the BCUC may enforce this Undertaking pursuant to the provisions of the *Administrative Tribunal Act*.

Description of document(s)	
Description of the relevance of document(s) to my participation in this matter and how the document(s) will be used	

I hereby undertake:

- (a) to use the information disclosed under the conditions of the Undertaking exclusively for duties performed in respect of this proceeding;
- (b) not to divulge information disclosed under the conditions of this Undertaking except to a person granted access to such information or to staff of the BCUC;
- (c) not to reproduce, in any manner, information disclosed under the conditions of this Undertaking except for purposes of the proceeding;
- (d) to keep confidential and to protect the information disclosed under the conditions of this Undertaking;
- (e) to return to the applicant, _____, all documents and materials containing information disclosed under the conditions of this Undertaking, including notes and memoranda based on such information, or to destroy such documents and materials within fourteen (14) days of the BCUC's final decision in the proceeding; and
- (f) to report promptly to the BCUC any violation of this Undertaking.

Signed at _____ this _____.

Signature: _____

Name (please print): _____ Email _____

Representing (if applicable): _____

British Columbia Utilities Commission Participant Cost Award Application Forms

The BCUC determines and awards costs to participants within a proceeding and may order another participant within the proceeding to pay the costs, typically the applicant will be ordered to reimburse the intervener.

Application Process

Participants that apply for a Participant Cost Award (PCA) are to complete either the Interim PCA application form or the Participant Cost Award application form per the BCUC's Rules of Practice and Procedure (Rules) - Part VI - Participant Cost. Unless otherwise permitted by the BCUC, the PCA application is to be submitted no later than 10 business days following the issuance of the final decision or report in a proceeding.

The application is to be submitted as a single PDF File with the excel file attached to the PDF via the BCUC's e-filing system.

PCA Application Checklist

Summary of Total Costs

- ☐ Do not overwrite formula in grey cells
- ☐ Proceeding Information section - Complete all fields including the Proceeding Name
- ☐ Participant Information section - Complete all fields
- ☐ Summary of Previous Interim Cost Awards section - Complete this section if an Interim Award was previously granted in the course of the proceeding per Rule 42.06
- ☐ Assessment Criteria - Provide an explanation including examples of how the assessment criteria for PCA has been met per Rule 41
- ☐ Payment Information – Complete both fields to enable the reimbursement

Description of Hourly Costs

- ☐ Do not overwrite formula in grey cells
- ☐ Complete all fields of the form for each person that your application is claiming costs for
- ☐ Complete the Hourly Rates column according to the Rate Schedule included in Attachment A to the Rules
- ☐ Attach required detailed invoices or activity logs for all costs claimed
- ☐ Indicate if you have attached or submitted Curriculum Vitae for Professional Services to the BCUC within the last 12 months

Disbursements

- ☐ Do not overwrite formula in grey cells
- ☐ Complete Summary of Disbursements section for costs that were necessary and incurred by the participant per Rule 39 and Attachments A and B to the Rules

Other Costs

- ☐ Do not overwrite formula in grey cells
- ☐ Complete Other Costs section per Rule 39.08
- ☐ Attach applicable receipts and invoices as PDFs to your application

Activity Log

- ☐ Do not overwrite formula in grey cells
- ☐ Read the Notes section for a list of activities that may be included and those that may not be included
- ☐ Prepare an Activity Log for each person included in your application

Estimate Form (For Interim PCA Applications only)

- ☐ Do not overwrite formula in grey cells
- ☐ Complete all sections that apply to your Interim Application including the Estimate Form if applicable

Application Submission

- ☐ Review your PCA spreadsheet and ensure all costs are accurately recorded
- ☐ Combine all required supporting documentation; detailed invoices, activity logs etc., except for the required CVs into one pdf
- ☐ Attach your completed PCA Application excel file to your pdf, i.e. in the attachment panel in adobe
- ☐ Log in to the BCUC E-filing system and select "PACA / PCA application" under "What do you want to e-file?"
- ☐ Upload PCA Application file that includes the spreadsheet and required supporting documentation
- ☐ Upload required CVs as separate PDFs
- ☐ Select "Submit"

Indigenous Intervener Capacity Fund

The Indigenous Intervener Capacity Fund (IICF) is a BCUC pilot program that is aimed at reducing financial barriers for Indigenous governments and organizations when intervening in a BCUC proceeding. This is done by providing funding to eligible recipients to assist with upfront costs. For those that may be eligible for the IICF program, please read the IICF Guideline and complete the IICF Form which can be found under the Indigenous Relations section of the BCUC website.

The IICF program falls outside of the Participant Cost Award process and unlike PCA, IICF is guaranteed upon application to eligible groups. Recipients of IICF can still access PCA, though any expenses claimed through IICF cannot be claimed through PCA.

Questions regarding your PCA Application:

Please submit any questions via email to commission.secretary@bcuc.com.



**Participant Cost Award Application
Summary of Total Costs Claimed**

Proceeding Information:

Proceeding name:	
Date of proceeding final decision or report:	

Participant Information:

Date of PCA Application:	
Participant name (individual or organization):	
City, Province:	
Email:	
Phone Number:	
Confirm eligibility for PCA (per Rule 38) (yes/no):	
Has an interim cost award been previously granted in this proceeding? (yes/no): If yes, provide a summary below	
Have you claimed Indigenous Intervener Capacity Fund (IICF) funding for your participation in this proceeding? (yes/no)	

Summary of Previous Interim Cost Awards: Please complete only if interim costs have been previously awarded in the proceeding.

BCUC Order Number	Did the Interim Cost award constitute a final cost award for costs already incurred? If yes, include the amount (\$) (Rule 42.05(a))	Did the Interim Cost award represent an advance against the final cost award? (yes/no) (Rule 42.05 (b))	Total Interim Cost Award

Summary of Total Costs Claimed: Please note: this table will automatically populate based on entries in subsequent tabs.

	Total Hourly Costs	Total Disbursements	Total Other Costs	Total GST	Total PST	Row Total
Total Costs Claimed	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Assessment Criteria:

In relation to each of the cost claims made above in the Summary of Total Costs Claimed, briefly explain how the applicable assessment criteria under Rule 41 has been satisfied, where practicable, provide examples.

--

Tax Information:

Any taxes that have been included within this PCA application will not be recovered through an Input Tax Credit or otherwise (Confirmed / Not Confirmed):	
---	--

Payment Information:

Cost Award Payable to:	
Mailing Address:	

Participant Cost Award Application
Description of Disbursements Claimed

Participant name:	0
Proceeding name:	0

Summary of Disbursements

Reasonable disbursements may be reimbursed if they were necessary costs incurred by the participant (see Rule 39.06) and Attachment B to the rules for meal, travel and accommodation rates. All receipts and/or invoices must be included where applicable.

Cost Item ¹	Claimant(s) Name	Amount Claimed	GST	PST	Total Claim + Taxes	Receipt filed (yes/no)
Postage/courier/delivery					\$ -	
Telephone/long distance					\$ -	
Printing/photocopying					\$ -	
Forgone Earnings ²					\$ -	
Dependant Care ²					\$ -	
Meals ³					\$ -	
Vehicle Mileage ³					\$ -	
Airfare ³					\$ -	
Hotel ³					\$ -	
Private Accommodation ³					\$ -	
Taxi					\$ -	
Parking					\$ -	
Other:					\$ -	
Total Disbursements:		\$ -	\$ -	\$ -	\$ -	

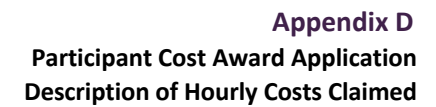
Notes:

¹ Please note, a file opening charge is not considered an eligible cost

² Only participants who are individuals are eligible for foregone earnings and dependent care costs. Costs shall be in accordance with the Rate Schedule included in Attachment A.

³ In accordance with the Rate Schedule included in Attachment B.

Explanatory notes for any costs claimed (if needed)



		Years of Experience ¹	Hourly Rate ²	Review and Registration ³		Information Requests ⁴		Attendance ⁵		Argument and Reply ⁶		Other Activities		Total Hourly Costs		Taxes		Total Hourly Costs + Taxes	Invoice Number(s) or Activity Log Attached ⁷
				Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Total GST	Total PST		
Name:																			
Firm / Company ⁸ :					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role ⁹ :																			
CV (attached or submitted) ¹⁰ :																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			

⁹ All claims for costs for Professional Services must also be accompanied by a copy of the professional's curriculum vitae. Please indicate whether the CV is attached or if it has been submitted within the last 12 months:

Explanatory notes for any costs claimed (if needed)



bcuc
British Columbia
Utilities Commission

Participant Cost Award Application
Description of Other Costs Claimed

Participant name:	0
Proceeding name:	0

Other Costs						
Other costs that are determined to be reasonable and justified may be awarded (See Rule 39.08). All receipts and/or invoices must be included where applicable.						
Cost Item	Claimant(s) Name	Amount Claimed	GST	PST	Total Claim + Taxes	Receipt filed (yes/no)
					\$ -	
					\$ -	
					\$ -	
					\$ -	
					\$ -	
Total Other Costs:		\$ -	\$ -	\$ -	\$ -	

Explanatory notes for any costs claimed (if needed)



Participant name:	0
Proceeding name:	0

Detailed Invoices or Activity Logs must be attached for all cost claims.

[illegible]

Notes:

Typical activities include, but are not limited to:

- Applying for intervener status
- Review of materials, e.g. an application, evidence or other party submissions
- Preparation of submissions on regulatory process
- Responding to submissions or responding to BCUC request for submissions
- Preparation and/or review of information requests
- Preparation of oral submissions
- Preparation and submission of evidence
- Attendance at a procedural conference, workshop, oral hearing, streamlined review process, negotiated settlement process or other hearing
- Preparation of final submissions, arguments or reply arguments

Typical activities that are **not** to be included, but are not limited to:

- [Claims for professional services in relation to an intervener's own time, if that intervener is an individual \(Rule 39.05.4\)](#)
- [Time taken to read the final Decision \(Rule 37.03\)](#)
- [Time taken to complete a Participant Award Cost application \(Rule 39.03\)](#)
- Duplication of effort among consultants / lawyers

British Columbia Utilities Commission Participant Cost Award Application Forms

The BCUC determines and awards costs to participants within a proceeding and may order another participant within the proceeding to pay the costs, typically the applicant will be ordered to reimburse the intervener.

Application Process

Participants that apply for a Participant Cost Award (PCA) are to complete either the Interim PCA application form or the Participant Cost Award application form per the BCUC's Rules of Practice and Procedure (Rules) - Part VI - Participant Cost. Unless otherwise permitted by the BCUC, the PCA application is to be submitted no later than 10 business days following the issuance of the final decision or report in a proceeding.

The application is to be submitted as a single PDF File with the excel file attached to the PDF via the BCUC's e-filing system.

PCA Application Checklist

Summary of Total Costs

- ☐ Do not overwrite formula in grey cells
- ☐ Proceeding Information section - Complete all fields including the Proceeding Name
- ☐ Participant Information section - Complete all fields
- ☐ Summary of Previous Interim Cost Awards section - Complete this section if an Interim Award was previously granted in the course of the proceeding per Rule 42.06
- ☐ Assessment Criteria - Provide an explanation including examples of how the assessment criteria for PCA has been met per Rule 41
- ☐ Payment Information – Complete both fields to enable the reimbursement

Description of Hourly Costs

- ☐ Do not overwrite formula in grey cells
- ☐ Complete all fields of the form for each person that your application is claiming costs for
- ☐ Complete the Hourly Rates column according to the Rate Schedule included in Attachment A to the Rules
- ☐ Attach required detailed invoices or activity logs for all costs claimed
- ☐ Indicate if you have attached or submitted Curriculum Vitae for Professional Services to the BCUC within the last 12 months

Disbursements

- ☐ Do not overwrite formula in grey cells
- ☐ Complete Summary of Disbursements section for costs that were necessary and incurred by the participant per Rule 39 and Attachments A and B to the Rules

Other Costs

- ☐ Do not overwrite formula in grey cells
- ☐ Complete Other Costs section per Rule 39.08
- ☐ Attach applicable receipts and invoices as PDFs to your application

Activity Log

- ☐ Do not overwrite formula in grey cells
- ☐ Read the Notes section for a list of activities that may be included and those that may not be included
- ☐ Prepare an Activity Log for each person included in your application

Estimate Form (For Interim PCA Applications only)

- ☐ Do not overwrite formula in grey cells
- ☐ Complete all sections that apply to your Interim Application including the Estimate Form if applicable

Application Submission

- ☐ Review your PCA spreadsheet and ensure all costs are accurately recorded
- ☐ Combine all required supporting documentation; detailed invoices, activity logs etc., except for the required CVs into one pdf
- ☐ Attach your completed PCA Application excel file to your pdf, i.e. in the attachment panel in adobe
- ☐ Log in to the BCUC E-filing system and select "PACA / PCA application" under "What do you want to e-file?"
- ☐ Upload PCA Application file that includes the spreadsheet and required supporting documentation
- ☐ Upload required CVs as separate PDFs
- ☐ Select "Submit"

Indigenous Intervener Capacity Fund

The Indigenous Intervener Capacity Fund (IICF) is a BCUC pilot program that is aimed at reducing financial barriers for Indigenous governments and organizations when intervening in a BCUC proceeding. This is done by providing funding to eligible recipients to assist with upfront costs. For those that may be eligible for the IICF program, please read the IICF Guideline and complete the IICF Form which can be found under the Indigenous Relations section of the BCUC website.

The IICF program falls outside of the Participant Cost Award process and unlike PCA, IICF is guaranteed upon application to eligible groups. Recipients of IICF can still access PCA, though any expenses claimed through IICF cannot be claimed through PCA.

Questions regarding your PCA Application:

Please submit any questions via email to commission.secretary@bcuc.com.

Proceeding Information:	
Proceeding name:	

Participant Information:	
Date of Interim PCA Application:	
Participant name (individual or organization):	
City, Province:	
Email:	
Phone Number:	
Confirm eligibility for PCA (per Rule 38) (yes/no):	
Has an interim cost award been previously granted in this proceeding? (yes/no): If yes, provide a summary below	
Have you claimed Indigenous Intervener Capacity Fund (IICF) funding for your participation in this proceeding? (yes/no)	

Summary of Previous Interim Cost Awards: Please complete only if interim costs have been previously awarded in the proceeding.			
BCUC Order Number	Did the Interim Cost award constitute a final cost award for costs already incurred? If yes, include the amount (\$) (Rule 42.05(a))	Did the Interim Cost award represent an advance against the final cost award? (yes/no) (Rule 42.05 (b))	Total Interim Cost Award

Interim Cost Award Criteria:
Please provide evidence of exceptional circumstances, including, but not limited to financial need, in support of the participant's application for an interim cost award. Please attach any items as necessary.

Summary of Total Costs Claimed: Please note: this table will automatically populate based on entries in subsequent tabs.													
	Actual Costs Already Incurred in the Proceeding						Estimated Costs Anticipated to be Incurred in the Proceeding						TOTAL COST CLAIM
	Total Hourly Costs	Total Disbursements	Total Other Costs	Total GST	Total PST	Row Total	Total Estimated Hourly Costs	Total Estimated Disbursements	Total Estimated Other Costs	Total Estimated GST	Total Estimated PST	Row Total	
Total Costs Claimed	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Assessment Criteria:
In relation to each of the cost claims made above in the Summary of Total Costs Claimed, briefly explain how the applicable assessment criteria under Rule 41 has been satisfied, where practicable, provide examples.

Tax Information:	
Any taxes that have been included within this PCA application will not be recovered through an Input Tax Credit or otherwise (Confirmed / Not Confirmed):	

Payment Information:	
Cost Award Payable to:	
Mailing Address:	



INTERIM Participant Cost Award Application
Description of Disbursements Claimed

Participant name:	0
Proceeding name:	0

Please use this form only for actual costs already incurred in the proceeding

Summary of Disbursements						
Please see BCUC Rules of Practice and Procedure Rule 39.06. All receipts and/or invoices must be included where applicable.						
Cost Item ¹	Claimant(s) Name	Amount Claimed	GST	PST	Total Claim + Taxes	Receipt filed (yes/no)
Postage/courier/delivery					\$ -	
Telephone/long distance					\$ -	
Printing/photocopying					\$ -	
Forgone Earnings ²					\$ -	
Dependant Care ²					\$ -	
Meals ³					\$ -	
Vehicle Mileage ³					\$ -	
Airfare ³					\$ -	
Hotel ³					\$ -	
Private Accomodation ³					\$ -	
Taxi					\$ -	
Parking					\$ -	
Other:					\$ -	
Total Disbursements:		\$ -	\$ -	\$ -	\$ -	

Notes:

¹ Please note, a file opening charge is not considered an eligible cost

² Only participants who are individuals are eligible for foregone earnings and dependent care costs. Costs shall be in accordance with the Rate Schedule included in Attachment A.

³ In accordance with the Rate Schedule included in Attachment B.

Explanatory notes for any costs claimed (if needed)

Participant name:	0
Proceeding name:	0

Please use this form only for actual costs already incurred in the proceeding

Description of Hourly Costs Claimed: Please note: greyed-out cells will automatically populate.																			
		Years of Experience ¹	Hourly Rate ²	Review and Registration ³		Information Requests ⁴		Attendance ⁵		Argument and Reply ⁶		Other Activities		Total Hourly Costs		Taxes		Total Hourly Costs + Taxes	Invoice Number(s) or Activity Log Attached ⁷
				Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Hours	Extended Amount (\$)	Total GST	Total PST		
Name:																			
Firm / Company ⁸ :					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role ⁸ :																			
CV (attached or submitted) ⁹ :																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
Name:																			
Firm / Company:					\$ -		\$ -		\$ -		\$ -		\$ -	0.00	\$ -			\$ -	
Professional Role:																			
CV (attached or submitted):																			
				-	\$ -	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-	\$ -	\$ -	\$ -	\$ -	

Notes:

¹ Years of Experience / Years since call is only required for Professional Services

² In accordance with the Rate Schedule included in Attachment A or as otherwise determined by the BCUC.

³ Review and Registration refers to activities that include, but are not limited to, review of the application and intervener registration

⁴ Information Requests refers to activities that include, but are not limited to, preparation and/or review of information requests

⁵ Attendance refers to activities that include, but are not limited to, procedural conferences, workshops, oral hearings, streamlined review process, and negotiated settlement process

⁶ Argument and Reply refers to activities that include, but are not limited to, preparation and/or review of arguments

⁷ Detailed invoices or Activity Logs must be attached for all cost claims. Detailed invoices shall be in a similar form to the detailed activity log and shall include a description, by date, of all activities performed. All receipts must be included where applicable.

⁸ Firm/Company and Professional Role only required for Professional Services

⁹ All claims for costs for Professional Services must also be accompanied by a copy of the professional's curriculum vitae. Please indicate whether the CV is attached or if it has been submitted within the last 12 months

Explanatory notes for any costs claimed (if needed)



INTERIM Participant Cost Award Application
Description of Other Costs Claimed

Participant name:	0
Proceeding name:	0

Please use this form only for actual costs already incurred in the proceeding

Other Costs						
See Rule 39.08. All receipts and/or invoices must be included where applicable.						
Cost Item	Claimant(s) Name	Amount Claimed	GST	PST	Total Claim + Taxes	Receipt filed (yes/no)
					\$ -	
					\$ -	
					\$ -	
					\$ -	
					\$ -	
Total Other Costs:		\$ -	\$ -	\$ -	\$ -	

Explanatory notes for any costs claimed (if needed)



Notes:

Typical activities include, but are not limited to:

- Applying for intervenor status
- Review of materials, e.g. an application, evidence or other party submissions
- Preparation of submissions on regulatory process
- Responding to submissions or responding to BCUC request for submissions
- Preparation and/or review of information requests
- Preparation of oral submissions
- Preparation and submission of evidence
- Attendance at a procedural conference, workshop, oral hearing, streamlined review process, negotiated settlement process or other hearing
- Preparation of final submissions, arguments or reply arguments

Typical activities that are **not** to be included, but are not limited to:

- [Claims for professional services in relation to an intervenor's own time, if that intervenor is an individual \(Rule 39.05.4\)](#)
- [Time taken to read the final Decision \(Rule 37.03\)](#)
- [Time taken to complete a Participant Award Cost application \(Rule 39.03\)](#)
- Duplication of effort among consultants / lawyers

INTERIM Participant Cost Award Application

Estimated Costs to be Incurred in the Proceeding

Participant name:	0
Proceeding name:	0

Please use this form only for estimated costs anticipated to be incurred in the proceeding.

Estimated Hourly Costs Anticipated to be Incurred in the Proceeding							
Name ¹	Description of Activity ²	Estimated Hours	Hourly Rate ³	Extended Amount	GST	PST	Total Hourly Costs + Taxes
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
				\$ -			\$ -
Total Estimated Hourly Costs:		-		\$ -	\$ -	\$ -	\$ -

Notes:

¹ For Professional Service costs, all claims must also be accompanied by a copy of the professional's curriculum vitae. Please submit as an attachment or identify in the explanatory notes whether it has been submitted in the last 12 months. Please also identify the Professional's company and role.

² Please see the 'Activity Log' tab for a list of typical activities.

³ In accordance with the Rate Schedule included in Attachment A or as otherwise determined by the BCUC.

Estimated Disbursements Anticipated to be Incurred in the Proceeding						
Name	Cost Item	Amount Claimed	GST	PST	Total Claim + Taxes	Receipt filed (yes/no)
					\$ -	
					\$ -	
					\$ -	
Total Estimated Disbursements:		\$ -	\$ -	\$ -	\$ -	

Estimated Other Costs Anticipated to be Incurred in the Proceeding						
Name	Cost Item	Amount Claimed	GST	PST	Total Claim + Taxes	Receipt filed (yes/no)
					\$ -	
					\$ -	
					\$ -	
Total Estimated Other Costs:		\$ -	\$ -	\$ -	\$ -	

Explanatory notes for any costs claimed (if needed)