



**ORDER NUMBER  
F-1-19**

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

and

FortisBC Energy Inc.  
Annual Review for 2019 Delivery Rates  
Participant Assistance/Cost Award Application

**BEFORE:**

R. I. Mason, Panel Chair/Commissioner  
D. J. Enns, Commissioner

on January 16, 2019

**ORDER**

**WHEREAS:**

- A. On July 31, 2018, pursuant to Order G-143-18, the British Columbia Utilities Commission (BCUC) established the regulatory timetable for the FortisBC Energy Inc. (FEI) Annual Review for 2019 Delivery Rates proceeding, which included the anticipated date for FEI to file its annual review materials, the deadline for intervener registration, one round of information requests, a workshop, FEI’s response to undertakings at the workshop, and written final and reply arguments;
- B. On August 3, 2018, FEI submitted its Annual Review for 2019 Delivery Rates Application materials (Application). FEI also submitted an evidentiary update to the Application on September 26, 2018;
- C. The following participants filed Participant Assistance/Cost Award (PACA) applications with the BCUC with respect to their participation in the proceeding:

Date	Participant	Application
October 30, 2018	Movement of United Professionals (MoveUP)	\$3,700.40
November 16, 2018	BC Sustainable Energy Association and Sierra Club of BC (BCSEA-SCBC)	\$9,976.75
December 6, 2018	British Columbia Old Age Pensioners’ Organization <i>et al.</i> (BCOAPO)	\$13,899.75
December 18, 2018	Commercial Energy Consumers Association of British Columbia (CEC)	\$17,974.72

- D. By Order G-237-18 and accompanying Reasons for Decision dated December 13, 2018, the BCUC ordered, among other things, FEI’s interim rates and rate riders, effective January 1, 2019, which were approved by Order G-208-18, remain interim and refundable/recoverable, until the completion of FEI’s 2019–2022 Demand Side Management (DSM) Expenditures Application proceeding filed on June 22, 2018;

- E. By letter dated January 3, 2019, FEI provided its comments on the PACA applications. FEI notes that BCOAPO’s PACA application appears to be out of proportion relative to the other interveners when considering that BCOAPO did not file information requests in the proceeding. With respect to the PACA funding sought by the other participants, FEI states that if the BCUC is satisfied that the participants have met the eligibility requirements, the funding days claimed are appropriate, and the level of participation has met with the BCUC’s criteria and requirements, then FEI has no further comment;
- F. No interveners submitted a response to FEI’s comments; and
- G. The BCUC has reviewed the PACA applications in accordance with the criteria and rates set out in the PACA Guidelines attached to Order G-97-17 and FEI’s comments, and makes the following determination on the cost awards.

**NOW THEREFORE** pursuant to section 118(1) of the *Utilities Commission Act* and for the reasons attached as Appendix A to this order, the BCUC orders as follows:

- 1. Funding is awarded to the following participants in the listed amounts for their participation in the FEI Annual Review for 2019 Delivery Rates proceeding:

Participant	Award
British Columbia Old Age Pensioners’ Organization <i>et al.</i>	\$9,195.75
BC Sustainable Energy Association and Sierra Club of BC	\$9,976.75
Commercial Energy Consumers Association of British Columbia	\$17,974.72
Movement of United Professionals	\$3,700.40

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

**DATED** at the City of Vancouver, in the Province of British Columbia, this 16<sup>th</sup> day of January 2019.

BY ORDER

*Original Signed by:*

R. I. Mason  
Commissioner

Attachment

FortisBC Energy Inc.  
Annual Review for 2019 Delivery Rates  
Participant Assistance/Cost Award Application

REASONS FOR DECISION

Section 118 of the *Utilities Commission Act (UCA)* states, “The commission may order a participant in a proceeding before the commission to pay all or part of the costs of another participant in the proceeding.”

The British Columbia Utilities Commission’s (BCUC) Participant Assistance/Cost Award (PACA) Guidelines set out the eligibility requirements and criteria applied by the BCUC in assessing cost awards, including the process for applying for a cost award, eligible costs and rates. Section 4.3 of Appendix A, attached to Order G-97-17, outlines the criteria the BCUC may consider when determining the amount of a participant’s cost award.

On July 31, 2018, pursuant to Order G-143-18, the BCUC established the regulatory timetable for the FortisBC Energy Inc. (FEI) Annual Review for 2019 Delivery Rates proceeding, which included the anticipated date for FEI to file its annual review materials, the deadline for intervener registration, the deadline for interveners to file PACA budgets, one round of information requests, a workshop, FEI’s response to undertakings at the workshop, and written final and reply arguments. FEI submitted its Annual Review for 2019 Delivery Rates Application materials (Application) on August 3, 2018.

On August 17, 2018, BCUC staff provided a letter in response to the participants’ submissions regarding participant funding estimates. In that letter, BCUC staff estimated the following funding days for full participation in the proceeding:

Item	Estimated funding days
Information Request No. 1	2
Workshop	1
Final arguments	1
<b>Total</b>	<b>4</b>

On October 19, 2018, FEI submitted a request to the BCUC for approval of a 1.1 percent increase to delivery rates on an interim and refundable basis and to set various delivery rate riders on an interim basis, effective January 1, 2019, pending the BCUC’s decision regarding the Application and FEI’s 2019–2022 Demand Side Management (DSM) Expenditures Application filed on June 22, 2018 (DSM Application). The BCUC approved FEI’s requested interim delivery rates and rate riders by Order G-208-18.

By Order G-237-18 and accompanying Reasons for Decision dated December 13, 2018, the BCUC ordered, among other things, FEI’s interim rates and rate riders, effective January 1, 2019, remain interim and refundable/recoverable, until the completion of the DSM Application proceeding.

During the period October 30 to December 18, 2018, the following participants submitted PACA applications as summarized below:

Date	Participant	Application
October 30, 2018	Movement of United Professionals (MoveUP)	\$3,700.40
November 16, 2018	BC Sustainable Energy Association and Sierra Club of BC (BCSEA-SCBC)	\$9,976.75
December 6, 2018	British Columbia Old Age Pensioners' Organization <i>et al.</i> (BCOAPO)	\$13,899.75
December 18, 2018	Commercial Energy Consumers Association of British Columbia (CEC)	\$17,974.72

By letter dated January 3, 2019, FEI provided its comments on the PACA applications. FEI raised concerns regarding the PACA sought by BCOAPO. FEI states that BCOAPO's PACA application "appears to be out of proportion relative to the other interveners." FEI points out that BCOAPO is claiming a total of 5 funding days (3.5 days for its legal counsel and 1.5 days for its consultant) when it did not file information requests in this proceeding while all the other participants did.<sup>1</sup> FEI made no specific comments with respect to the PACA applied for by the other participants.

None of the interveners submitted responses to FEI's comments on the PACA applications.

### **Panel determination**

The Panel reviewed each of the participants' PACA applications and notes that FEI, in its letter dated January 3, 2019, took no issue with the PACA applications submitted by BCSEA-SCBC, CEC and MoveUP. Furthermore, the Panel notes that the number of days submitted by BCSEA-SCBC, CEC and MoveUP for participation in the proceeding are within the estimated number of funding days provided by BCUC staff. The Panel therefore finds BCSEA-SCBC, CEC and MoveUP's PACA applications to be reasonable.

With respect to BCOAPO's PACA application, BCOAPO claims 3.5 days for its legal counsel and 1.5 days for its consultant. While the number of funding days claimed is within BCUC staff's budget, the Panel notes that BCOAPO did not file information requests in this proceeding and in fact did not register as an intervener until after the filing deadline for BCUC and intervener information requests. In the Panel's view, the preparation of information requests is a significant component of this proceeding; thus, the Panel finds the number of funding days claimed for BCOAPO's legal counsel to be high. The Panel also agrees with FEI's comments that BCOAPO's PACA application appears to be out of proportion relative to the other interveners when taking into consideration BCOAPO's reduced level of participation. **The Panel therefore determines that BCOAPO is eligible for a maximum of 2 days of funding for its legal counsel and 1.5 days of funding for its consultant.** This approved level of funding is consistent with BCUC staff's budgeted number of days for participation in the workshop and for preparation of final arguments, but excludes the days budgeted for information requests. **Based on the aforementioned, the Panel approves PACA funding for BCOAPO of \$9,195.75, which equates to 2 funding days for legal support at a rate of \$2,800 per day and 1.5 funding days for consulting services at a rate of \$1,850 per day, inclusive of applicable taxes and disbursements.**

**The Panel finds BCSEA-SCBC, CEC and MoveUP's PACA applications to be reasonable and in accordance with the criteria and rates set out in the PACA Guidelines attached to Order G-97-17 and accordingly approves the PACA applications as applied for.**

**FEI is directed to reimburse BCSEA-SCBC, BCOAPO, CEC and MoveUP for the amounts approved in Order F-1-19 in a timely manner.**

<sup>1</sup> FEI Comments on PACA Applications, letter dated January 3, 2019, p. 2.