



LETTER NO. L-21-03

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May 26, 2003

Mr. Hans Cunningham
Board Chair
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson, B.C. V1L 5R4

Dear Mr. Cunningham:

Re: Participant Funding for Local Governments
in Utility Tribunal Proceedings

Thank you for your February 3, 2003 letter and Board Resolution complaining that participant funding is not available to local governments for BCUC proceedings. The Commission has examined policies in other jurisdictions in Canada and finds that there are no consistent policies for the reimbursement of costs of local governments. In 2000 the Commission denied RDCK's request for participant funding based in part on your Resolution 79-00 which authorized expenditures to cover your costs of participation in the Aquila Networks Canada (British Columbia) Ltd. (formerly West Kootenay Power) proceeding. The Commission also made reference to Section 114 of the Utilities Commission Act, which enables local governments to participate in Commission proceedings and incur expenses arising from participation.

The Commission's Participant Assistance/Cost Award Guidelines, as set out in Order No. G-23-01, (copy attached) makes no reference to eligibility criteria or funding assistance to local governments. However, for future proceedings before the Commission, if the RDCK wishes to actively intervene in the process then we draw your attention to Section 1 - Participant Eligibility and Section 2 - Application for a Cost Award and the submission of a budget. Consistent with these Guidelines, you may wish to make your case for funding for future proceedings before the BCUC, along with a budget estimate and your expected degree of participation.

Yours truly,

Original signed by:

Robert J. Pellatt

RJP/chm
Attachment
cc: The Honourable Richard Neufeld
Minister of Energy and Mines
Fax: 250 356-2965