



LETTER NO. L-85-05

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Log No. 11591

VIA E-MAIL

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October 11, 2005

Mr. William J. Andrews
Counsel
BC Sustainable Energy Association
The Sierra Club of Canada, BC Chapter
1958 Parkside Lane
North Vancouver, BC V7G 1X5

Dear Mr. Andrews

RE: British Columbia Hydro and Power Authority
Project No. 3698390 – Order No. G-51-04
2005 Resource Options Report
Participant Funding/Cost Award Application
Request for Reasons for Decision Denying Funding

This letter is in reply to the letter from Mr. William Andrews dated September 26, 2005 requesting that the Commission provide written reasons for its decision in Order No. F-15-05 denying the request of B.C. Sustainable Energy Association and the Sierra Club of Canada (BC Chapter) (“BCSEA/SCBC”) for a participant cost award for its participation in the subject proceeding. The Commission Panel’s Reasons for Decision are set out in the remainder of this letter.

At a Procedural Conference held on July 8, 2005, the Commission Panel granted an order that there be no further regulatory process regarding the 2005 ROR. The Order was granted without any Commission direction or comment on the substance of it. Subsequently, by letter Letter No. L-60-05 the Commission concluded that determinations with respect to the scope of the regulatory review of the LTAP and 2005 IEP, for at least this planning cycle, should continue to be deferred until further regulatory filings.

The July 29, 2005 application of BCSEA/SCBC requested a participant cost award in the amount of \$8,829.42 for their joint intervention in the subject proceeding. Funding was requested for the following:

Legal Services (4.3 days @ \$ 1,710, plus taxes)	\$8,382.42
Case Manager (1.0 day @ \$400)	400.00
Expenses (parking, sworn affidavit)	47.00
	<u>\$8,829.42</u>

In their submission, BCSEA/SCBC stated that they participated fully in the proceeding, including providing a letter dated June 27, 2005 regarding the Resource Option Report and its regulatory context, and attending the June 29 and July 8, 2005 Procedural Conferences.

Under Section 118(1) of the Utilities Commission Act, the Commission may order a participant in a proceeding before it to pay all or part of the cost of another participant in the proceeding. Under Section 118(2) the Commission may, if considers it to be in the public interest, pay all or part of the costs of participants in proceedings before it.

The Commission has established Participant Funding/Cost Award (“PACA”) Guidelines with respect to requests by participants for cost awards pursuant to Section 118. The current PACA Guidelines are set out in Appendix A to Order No. G-15-04, and the letter from BCSEA/SCBC indicates that they are aware of them. Although the Commission is not constrained by the PACA Guidelines, they provide the Commission with a consistent basis on which to evaluate requests for participant cost awards, and assist participants and others to understand the activities that are likely to receive funding and the limits on the amount of such funding.

The PACA Guidelines identify several criteria that the Commission will consider when determining a participant cost award including:

“Has the Participant contributed to a better understanding of the issues by the Commission?”

With regard to the participation of BCSEA/SCBC in the Resource Options Report proceeding, the Commission Panel concluded that BCSEA/SCBC did not contribute “to a better understanding of the issues by the Commission” because the Commission did not give directions or comment on any matters of substance, in fact, expressly declined to do so. As stated earlier, a request for withdrawal of the 2005 ROR was made and approved, without any Commission direction or comment on the substance of it. And in regard to future planning issues, the Commission concluded that determinations should continue to be deferred until further regulatory filings.

Therefore by Order No. F-15-05 the Commission Panel denied the application of BCSEA/SCBC for a participant cost award.

Yours truly,

Original signed by:

Robert J. Pellatt

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