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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-4-08**

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**IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473**

and

**Application for Reconsideration from Heiltsuk Tribal Council/Shearwater Marine Ltd.
to Order No. F-24-07 on Participant Assistance/Cost Awards ("PACA")**

BEFORE: A.J. Pullman, Panel Chair
R.J. Milbourne, Commissioner
L.A. O'Hara, Commissioner
January 21, 2008

ORDER

WHEREAS:

- A. The Commission awarded funds to the applicants for PACA for the 2007 RDA Phase I proceeding by Commission Order No. F-24-07 dated November 28, 2007 with Reasons for Decision attached; and
- B. By letter dated December 13, 2007, the Heiltsuk Tribal Council/Shearwater Marine Ltd. ("Heiltsuk/Shearwater") applied to the Commission to reconsider two specific aspects of the cost award, namely: the calculation of taxes on legal fees awarded and the calculation of proceeding and preparation days; and
- C. Heiltsuk/Shearwater submitted in its letter that the tax calculated on the amount of legal fees at 6 percent was a mistake as it relates to the amount that would apply to GST. The Heiltsuk/Shearwater account for legal fees was only for PST at the rate of 7 percent which was 1 percent or \$410.40 too low; and
- D. Heiltsuk/Shearwater submitted in its letter that work incurred for workshops and negotiations in connection with the BC Hydro 2007 RDA Phase I that took place on January 29, 2007, January 30, 2007, February 26, 2007, March 7, 2007 and March 9, 2007 should be eligible for PACA funding. The letter stated that British Columbia Hydro and Power Authority ("BC Hydro") indicated that it would support PACA funding for parties who actively participated in those events and encouraged the Commission Panel to seek BC Hydro's comments; and
- E. The Commission issued Order No. F-26-07 directing that Heiltsuk/Shearwater be allowed to recover the PST amount of \$410.00 as noted in Recital C. Commission Order No. F-26-07 also asked BC Hydro to provide comments with regard to the eligibility of Heiltsuk/Shearwater for PACA funding for the five separate events listed in Recital D; and
- F. By letter dated January 7, 2008, BC Hydro submitted to the Commission that it does not support the request by Heiltsuk/Shearwater for participant cost awards by the Commission for attendance at meetings and workshops held prior to the commencement of the proceeding because this is inconsistent with the PACA Guidelines; that it is willing to offer reimbursement to Heiltsuk/Shearwater for their costs of attending the

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UTILITIES COMMISSION**

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2

RDA workshops held on January 29, February 26 and March 7, 2007 if requested directly by Heiltsuk/Shearwater; and that BC Hydro will not offer funding for preparation days nor funding for attendance at private meetings with Heiltsuk/Shearwater on January 30 and March 9, 2007; and

- G. The Commission Panel has reviewed the Heiltsuk/Shearwater application for reconsideration and BC Hydro's response letter dated January 7, 2007 and concludes that it is up to Heiltsuk/Shearwater to approach BC Hydro directly for cost awards to attend meetings and workshops held prior to the commencement of the proceeding.

NOW THEREFORE the Commission orders that the submission by Heiltsuk/Shearwater for funding from the Commission for those days listed in Recital D is not accepted.

DATED at the City of Vancouver, in the Province of British Columbia, this 21st day of January 2008.

BY ORDER

Original signed by:

A.J. Pullman
Panel Chair