

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-27-09**



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

and

**British Columbia Transmission Corporation
Reconsideration of the
Interior to Lower Mainland Transmission Project**

Reconsideration Application for Participant Assistance/Cost Award Funding – Interim Award

BEFORE: A.J. Pullman, Commissioner September 24, 2009

O R D E R

WHEREAS:

- A. On August 25, 2009, the Commission by Order F-21-09 pursuant to section 118(1) of the *Utilities Commission Act* awarded interim funding to a number of participants including the Hwlitsum First Nation ("Hwlitsum") for its participation in the British Columbia Transmission Corporation ("BCTC") Reconsideration of the Interior to Lower Mainland Transmission Project ("ILM Project"); and
- B. The Hwlitsum was awarded \$16,622.38 with Reasons for Decision attached as Appendix A to Order F-21-09. The Commission made the interim award based on 50 percent of the total Budget Estimate of \$33,244.75; and
- C. On August 31, 2009 the Hwlitsum submitted a request for reconsideration of its interim cost award of \$16,622.38 ("Reconsideration Application"). The Hwlitsum submit that its Budget Estimate should have totalled \$56,074.68. An Interim Award based on 50 percent of this Budget Estimate would be \$28,037.34; and
- D. The Commission has reviewed the Reconsideration Application and determined that an amended interim award is warranted in accordance with the Reasons for Decision as set out in Appendix A to this Order.

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NOW THEREFORE the Commission orders as follows:

1. Pursuant to section 118(1) of the *Utilities Commission Act*, the Commission awards interim funding of \$25,287.34 to the Hwlitsum .
2. BCTC is directed to reimburse the Hwlitsum in a timely manner by way of a cheque for a total interim funding award of \$25,287.34. If BCTC has already paid the \$16,622.38 interim award as directed in Order F-21-09 then BCTC is to reimburse the difference in the amount of \$8,664.96.

DATED at the City of Vancouver, in the Province of British Columbia, this 24th day of September 2009.

BY ORDER

Original signed by:

A.J. Pullman
Commissioner

Attachment

British Columbia Transmission Corporation
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REASONS FOR DECISION

1.0 INTRODUCTION

On August 25, 2009, the Commission by Order F-21-09 pursuant to section 118(1) of the *Utilities Commission Act* awarded interim funding to a number of participants including the Hwlitsum First Nation (“Hwlitsum”) for its participation in the British Columbia Transmission Corporation (“BCTC”) Reconsideration of the Interior to Lower Mainland Transmission Project (“ILM Project”).

The Hwlitsum was awarded \$16,622.38 with Reasons attached as Appendix A to Order F-21-09. The Commission made the interim award based on 50 percent of the total Budget Estimate of \$33,244.75.

2.0 RECONSIDERATION APPLICATION OF PARTICIPANT ASSISTANCE/COST AWARD INTERIM AWARD

On August 31, 2009 the Hwlitsum submitted a request for reconsideration of its interim cost award of \$16,622.38. The Hwlitsum submit that its Budget Estimate should have totalled \$56,074.68 and not \$33,244.75. An Interim Award based on 50 percent on a Budget Estimate of \$56,074.68 would be \$28,037.34.

The Hwlitsum explains the submission of July 9, 2009 provided a budget estimate composed of actual costs incurred from March to July 9, 2009 in the amount of \$22,829.93, and estimated costs from July 10, 2009 onwards in the amount of \$33,244.75.

The table below illustrates the basis of the revision of the requested interim award:

	Existing Interim Award	Requested Interim Award
Invoice for March to July 9, 2009		\$22,829.93
Budget for July 10, 2009 onwards	<u>\$33,244.75</u>	<u>33,244.75</u>
Total Budget Estimate	\$33,244.75	\$56,074.68
Interim Award calculation based on 50%	\$16,622.38	\$28,037.34

The Hwlitsum submit that the two cost estimates together result in an overall budget estimate of \$56,074.68, 50 percent of which is \$28,037.34. The Hwlitsum requests that the award of \$16,622.38 provided in Order F-21-09 be increased to \$28,037.34, which is 50 percent of the overall budget estimate.

The detailed costs included in the budget estimate are:

Item	Amount
<u>First Portion (March to July 9, 2009)</u> Invoice for Legal Services 68 hours x \$200/hour = \$13,600 + GST + \$476.55 of expenses = \$14,756.55. Invoice received for consultant services: 6 days x \$1,000/day = \$6,000 + GST + \$251.38 of expenses = \$6,551.38 Invoice from Chief Raymond Wilson 2 days x \$500/day = \$1,500 + no GST + \$22.00 of expenses = \$1,522.00	\$22,829.93
Total First Portion	\$22,829.93
<u>Second Portion (July 10 – September 21, 2009)</u> Legal Services: 10 days x \$1,600/day = \$16,000 + transportation costs of \$650.00 = \$16,650.00 Consultant 12 days x \$1,000/day = \$12,000 Chief Raymond Wilson cost estimate: 8 days x \$500/day = \$4,000 Meals for 3 persons x 48.25 x 1 day = \$144.75 Accommodation for 3 persons x \$150 per night x 1 night = \$450.00	\$33,244.75
Total Second Portion	\$33,244.75
Total Budget Estimate	\$56,074.68

It appears that the Hwlitsum is seeking reimbursement of \$5,500.00 for Chief Raymond Wilson as a consultant or case manager. The biography in the Budget Estimate filing indicates that Chief Wilson is an Elder and Hereditary Chief of the Hwlitsum First Nation and the elected Chief of the Hwlitsum First Nation since 1999. The Commission does not normally award consulting or case manager costs for a person who is a representative of the Intervenor. No exceptional circumstance was indicated by the participant, therefore, the Commission Panel declines to award interim funding at this time for Chief Wilson. However, the Participant Assistance/Cost Award Guidelines, Appendix A to Order G-72-07, do include a provision for foregone earnings up to a maximum of \$175 per proceeding day. The Hwlitsum may wish to include recovery for foregone earnings for Chief Wilson in its application for a final award.

The Commission Panel considers that the Budget Estimate should be at the \$50,574.68 amount without costs for Chief Wilson. Accordingly, 50 percent of the modified Budget Estimate of \$50,574.68 is \$25,287.34.

The Commission approves an Interim Award of costs to the Hwlitsum of \$25,287.34 instead of the interim award amount of \$16,622.38. The Hwlitsum will need to justify all its costs in its final application to ensure it meets the criteria stated in the PACA Guidelines. The final award by the Commission will be based on the total submission of costs that conform to the PACA Guidelines including the total maximum funding days allowed. In the event that the final award amount is less than the total approved Interim Award amount, the participant is required to reimburse the difference back to the utility.