

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-23-09**

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

and

**an Application by FortisBC Inc. for the Approval of a Net Metering Tariff
Participant Assistance/Cost Awards Applications**

BEFORE: P. E. Vivian, Panel Chair
A. A. Rhodes, Commissioner

September 2, 2009

O R D E R

WHEREAS:

- A. On April 17, 2009 FortisBC Inc. ("FortisBC") submitted an application to the British Columbia Utilities Commission (the "Commission") for approval of a Net Metering Tariff, creating a new Rate Schedule 95, and resulting in revisions to the FortisBC Electric Tariff Index and Rate Schedule 80; and
- B. By Order G-92-09, dated July 30, 2009 the Commission approved the FortisBC Net Metering program as proposed in the Application with modifications as described in the Reasons for Decision attached to the Order; and
- C. The Commission received a Participant Assistance/Cost Award application from the BC Old Age Pensioners' Association, BC Coalition of People with Disabilities, Council of Senior Citizens' Organizations, Federated Anti-Poverty Groups of BC, and Tenant Resource and Advisory Centre ("BCOAPO"), dated July 10, 2009 in the amount of \$1,048.60; and
- D. The Commission received a Participant Assistance/Cost Award application from the BC Sustainable Energy Association and the Sierra Club of British Columbia ("BCSEA, et al"), dated August 3, 2009 in the amount of \$1,629.95; and
- E. The Commission received a Participant Assistance/Cost Award application from the Okanagan Environmental Industry Alliance ("OEIA"), dated July 24, 2009 in the amount of \$3,788.15; and
- F. By letter dated August 10, 2009 FortisBC stated that it had no comments regarding the three Participant Assistance/Cost Award Applications; and

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G. The Commission has reviewed the Participant Assistance/Cost Awards applications, the comments of FortisBC and the criteria and rates set out in Order G-72-07.

NOW THEREFORE, pursuant to section 118(1) of the *Utilities Commission Act*, and for the Reasons for Decision attached to this Order, the Commission awards the following Participant Assistance/Cost Awards:

Intervenor	Application	Award
BCOAPO	\$1,048.60	\$1,048.60
BCSEA	\$1,629.95	\$1,629.95
OEIA	\$3,788.15	\$1,680.00

FortisBC is directed to reimburse each Intervenor for the awarded amount in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 2nd day of September 2009.

BY ORDER

Original signed by:

A. A. Rhodes
Commissioner

Attachment

FortisBC Inc.
Net Metering Tariff
Application for Participant Assistance/Cost Award Funding – PACA Awards

REASONS FOR DECISION

1.0 CLAIMS BY BCOAPO AND BCSEA

The Participant Assistance/Cost Award (“Participant Assistance”) applications submitted by the BC Old Age Pensioners’ Association/BC Coalition of People with Disabilities/Council of Senior Citizens’ Organizations/Federated Anti-Poverty Groups of BC/Tenant Resource and Advisory Centre (“BCOAPO”), and by the BC Sustainable Energy Association and the Sierra Club of British Columbia (“BCSEA, et al.”) are approved as filed.

2.0 CLAIM BY OEIA

2.1 OEIA CLAIM FOR TRAVEL EXPENSES

The Participant Assistance/Cost Award application submitted by the Okanagan Environmental Industry Alliance (the “OEIA PACA Application”) includes a table showing travel and accommodation expenses incurred by Mr. Bertsch. The OEIA PACA Application describes the reason for the expenditures as follows:

“Ludo Bertsch resides in Victoria, so is claiming meals, accommodation and travel expenses. This application is a written proceeding with a preliminary workshop.” [OEIA PACA Application, p. 4]

FortisBC describes the March 19, 2009 public consultations on Net Metering as having been Open Houses [B-1, Appendix I, p. 7] or, alternatively, Information Sessions [B-1, Appendix I, Appendix 1 and Appendix 4].

The Commission Participant Assistance/Cost Award Guidelines (the “Guidelines”) provide that expenses related to travel to attend Workshops may be recovered.

“The following reasonable expenses are eligible for participant assistance. The term ‘proceeding day’ may include workshop days, negotiation days, pre-hearing conference days, hearing days, and oral argument days, and will not include town hall meeting days.”
[BCUC PACA Guidelines, p. 4]

The Guidelines do not include reimbursement for expenses related to attending information sessions or open houses, but solely to Workshops. A Workshop, for this purpose, is a form of Alternative Dispute Resolution, as defined in the Commission’s document titled “Understanding Utility Regulation: A Participants' Guide to the British Columbia Utilities Commission,” available at http://www.bcuc.com/Documents/Guidelines/2003/DOC_3939_ParticipantGuide-RevJuly2002.pdf.

A Workshop for which travel and accommodation reimbursement is available must be part of a Commission hearing process. The events held by FortisBC in March 2009 were not part of the hearing, as they pre-dated the Application, which was dated April 17, 2009. The Commission does not agree with the OEIA PACA Application characterisation that the FortisBC Net Metering proceeding was a written hearing with a preliminary workshop.

The Net Metering Application was reviewed by a written hearing process. Concerning Travel Rates, the Guidelines state that:

“[t]he rates applicable to those Participants who have applied for funding to attend a hearing not in their immediate area.”

Since the Application was reviewed by a written process, attendance was neither required nor possible.

Other Intervenor, who submitted Participant Assistance/Cost Award Applications, did not claim for travel and accommodation expenses.

The Commission determines that, as the Net Metering Application was reviewed by a written hearing process, reimbursement for travel and accommodation is not applicable to this proceeding. Therefore, the portion of the OEIA PACA Application concerning travel and accommodation is not approved.

2.2 OEIA CLAIM FOR CONSULTANT FEES

Regarding the claim for consultant fees in the OEIA PACA Application, the Commission agrees with the Okanagan Alliance that the FortisBC Net Metering Application was more substantial than the BC Hydro Net Metering Application, of October 2008. For the BC Hydro Net Metering review, the Commission approved Participant Assistance funding based on an experienced consultant devoting one, eight-hour work day to review the Application, write and review Information Requests, and an experienced counsel spending one, eight-hour work day preparing a final submission and undertaking other communications. [Commission Order F-7-09]

For the more substantial FortisBC Net Metering Application, Intervenor submitted Participant Assistance applications including consultant, case manager, and legal fees. Variations in the divisions of Intervenor labour meant a range of hours/days in the Participant Assistance applications.

The Commission considered the cited BC Hydro determination, plus the range of hours associated with the combinations of professions and years of experience submitted by other Intervenor, to determine an acceptable basis for Okanagan Alliance Participant Assistance funding. Given that all Okanagan Alliance tasks were performed by a consultant, two eight-hour work days to review the Application, write and review Information Requests, and one eight-hour work day to prepare a final submission and undertake other communications, appears reasonable. The Commission therefore approves a total of 3.0 days for consulting fees for the Okanagan Alliance.

The OEAI PACA Application did not include a resume stating Mr. Bertsch’s specific years of related experience; it did, however, include a consultant fee of \$600/day. The Guidelines allow a base consultant rate of \$640/day. [BCUC PACA Guidelines, p. 5] Based on 3.0 approved days, and a rate of \$640/day, the consultant fee totals \$1,600.00. As consultant fees are subject to GST at 5 percent, applicable GST is \$80.00. The total consultant reimbursement approved for the Okanagan Alliance is \$1,680.00.

For the foregoing reasons, the Commission determines that a reduced award to the Okanagan Alliance is reasonable, warranted and in the public interest. Based on the scope of the FortisBC Net Metering Application, the limited complexity of the written proceeding, comparison to the Participant Assistance applications by other Intervenor and the contribution to the Commission's understanding of the issues, the Commission allows the Okanagan Alliance a cost award in the amount of \$1,680.00.