

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-34-09**

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

and

**Applications for Participant Assistance/Cost Awards
in an Inquiry into British Columbia's Electricity Transmission Infrastructure
and Capacity Needs for the Next 30 Years**

BEFORE: L.A. O'Hara, Commissioner and Panel Chair
A.W.K. Anderson, Commissioner
D.A. Cote, Commissioner
M.R. Harle, Commissioner
R.K. Ravelli, Commissioner

December 23, 2009

O R D E R

WHEREAS:

- A. Section 5(4) of the *Utilities Commission Act* ("UCA" or "Act") provides that the British Columbia Utilities Commission ("Commission") must conduct an inquiry ("Inquiry") to make determinations with respect to British Columbia's infrastructure and capacity needs for electricity transmission for the period ending 20 years after the day the Inquiry begins, or a different period if so specified by terms of reference issued by the Minister; and
- B. On December 11, 2008, the Minister responsible for administration of the Hydro and Power Authority Act ("Minister") issued Terms of Reference for the Inquiry which identify that the general purpose of the Inquiry is for the Commission to make determinations with respect to British Columbia's electricity transmission infrastructure and capacity needs for a 30-year period commencing from the date the Inquiry begins; and
- C. By letter dated June 26, 2009 (Exhibit A-15), the Commission established a schedule for reviewing interim Participant Assistance/Cost Award ("PACA") applications for funding up to the June 24, 2009 Procedural Conference. Additionally, in its letter, the Commission asked Participants requesting PACA for the remainder of the Inquiry, and those who had not already submitted interim requests, to file their budgets by August 14, 2009; and
- D. On August 17, 2009 and September 21, 2009, the Commission issued Orders F-20-09 and F-26-09 respectively, awarding interim funds pursuant to section 118(1) of the UCA; and

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- E. By letter dated October 2, 2009 (Exhibit A-28), as amended by Exhibit A-29, the Commission provided information to Participants on PACA funding for the remainder of the Section 5 Inquiry whereby a bi-monthly approval process was outlined and organized into a number of interim Funding Periods; and
- F. Following a letter dated December 15, 2009 from the Minister of Energy, Mines and Petroleum Resources (Exhibit A-35), the Inquiry Panel issued Order G-167-09 (Exhibit A-37) suspending the Inquiry until May 31, 2009 and rescinding the schedule for Interim PACA Awards beyond Period 3; and
- G. By the December 15, 2009 deadline established for Interim Funding Period 3 in Exhibit A-28, the Commission had received two applications requesting a total of \$5,462.40 pursuant to section 118 of the Act for PACA funding for the following Participants:

Participant	Application
Hwilitsum First Nation	\$ 2,772.00
Toquaht First Nation	\$ 2,690.40
Total Application	\$ 5,462.40

- H. The Commission has reviewed the Period 3 PACA applications with regard to the criteria and rates set out in the Guidelines in Commission Order G-72-07, and has concluded that, after adjusting the amounts of funding requested as set out in the Reasons for Decision attached as Appendix A to this Order, certain cost awards should be approved for Participants in the Inquiry.

NOW THEREFORE the Commission orders as follows:

1. Pursuant to section 118(1) of the Act, and subject to paragraph 2 of this Order, the Commission awards funds to the following for their participation in the Inquiry:

Participant	Awarded
Hwilitsum First Nation	\$ 2,772.00
Toquaht Nation	\$ 2,613.40
Total Award	\$ 5,385.40

2. If BC Hydro, the British Columbia Transmission Corporation, and FortisBC Inc. (the "Utilities") or any one of them, have material concerns about the level or value of expenditures for Period 3 of one or more of the PACA applicants, they are to file a letter of comment with the Commission within ten (10) days of this

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Order, and to provide a copy of the letter to the affected PACA applicant. The PACA applicant will have ten (10) days from the date of the filing of the letter of comment to file a reply with the Commission. In the event that a letter of comment is received, the PACA applicant's interim award is subject to further order of the Inquiry Panel.

3. In the absence of the filing of a letter of comment by the Utilities, or any one of them, BC Hydro is directed to pay the Participant the amount of the Participant's award in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of December 2009.

BY ORDER

Original signed by:

Liisa O'Hara
Panel Chair/Commissioner

Attachment

**Inquiry into British Columbia's Long-Term Transmission Infrastructure
Participant Assistance/Cost Award Applications**

PERIOD 3 INTERIM AWARDS

REASONS FOR DECISION

On October 2, 2009, the British Columbia Utilities Commission issued a letter (Exhibit A-28) providing information to Participants on Participant Assistance/Cost Award ("PACA") funding for the remainder of the Section 5 Inquiry. The letter outlines a bi-monthly approval process for interim PACA applications and organizes the process into a number of periods as shown below:

Period Number	Period Start	Period End	PACA Application Filing Date
1	Inquiry Start	June 24, 2009	July 3, 2009
2	June 24, 2009	September 30, 2009	October 15, 2009
3	October 1, 2009	November 30, 2009	December 15, 2009
4	December 1, 2009	January 31, 2010	February 15, 2010
5	February 1, 2010	March 31, 2010	April 15, 2010
6	April 1, 2010	May 31, 2010	June 15, 2010
7	June 1, 2010	Inquiry End	To be determined

* Note: Original table in Exhibit A-28 incorrectly showed some dates as 2009 when in fact they were supposed to read 2010. A corrected table was published in Exhibit A-29 and is reproduced, in part, above.

By December 15, 2009 the Inquiry Panel had received applications for Interim PACA funding for Period 3 from the Hwlitsum First Nation and the Toquaht Nation. The Hwlitsum First Nation is awarded \$2,772.00, which is the amount applied for.

The Toquaht Nation applied for \$2,690.40 and has been awarded \$2,613.40. The reduction in the award of \$77.00 reflects a reduction in the rate for counsel to the maximum allowed under the PACA Guidelines of \$1,800/day for senior counsel (\$225/hr for an eight hour day). The Toquaht applied for a rate of \$260/hr for a lawyer which is more than the maximum suggested by the Guidelines.

