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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-9-10**

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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 Award
Regarding the FortisBC Inc.
2009 Annual Review, 2010 Revenue Requirements and
Negotiated Settlement Process

BEFORE: L.F. Kelsey, Commissioner
D.A. Cote, Commissioner
P.E. Vivian, Commissioner

March 23, 2010

O R D E R

WHEREAS:

- A. British Columbia Utilities Commission (Commission) Order G-58-06 approved for FortisBC Inc. (FortisBC or Company) a Settlement Agreement for its 2006 Revenue Requirements and a Performance Based Regulation Settlement for the years 2007, 2008 and potentially 2009 (the PBR Settlement). The PBR Settlement requires FortisBC to hold an Annual Review, Workshop and Negotiated Settlement Process (NSP) each November with a goal of achieving firm rates by December 1st for the following year; and
- B. The Annual Review compares the Company's actual performance for the recently completed year to the approved targets for the Performance Standards to determine whether the Company is entitled to an incentive payment. The Revenue Requirements Workshop is to focus on future test periods and the NSP is conducted to establish rates for the following year; and
- C. On October 1, 2009, FortisBC filed its Preliminary 2010 Revenue Requirements, which sought a 4.6 percent general rate increase to be effective January 1, 2010; and
- D. By Order G-118-09 dated October 1, 2009, the Commission established a Regulatory Timetable for the 2009 Annual Review and a 2010 Revenue Requirements Workshop on November 17, 2009 in Kelowna, BC, followed by an NSP on November 18, 2009; and
- E. On November 2, 2009, FortisBC filed the 2010 Revenue Requirement Update, which resulted in the reduction of the rate increase sought from 4.6 percent to 4.0 percent; and
- F. Following the November 17, 2009 Annual Review and the 2010 Revenue Requirements Settlement discussions held on November 18, 2009, a Settlement Agreement was proposed and agreed to by FortisBC and most Intervenor in attendance, with the participation of Commission Staff; and

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- G. By Order G-162-09 dated December 18, 2009, the Commission approved the proposed Negotiated Settlement Agreement; and
- H. By Email dated January 27, 2010, Mr. Ludo Bertsch, representing Okanagan Environmental Industry Alliance (OEIA), applied for a participant assistance cost award (PACA) with respect to his participation in the FortisBC 2009 Annual Review; and
- I. In a letter dated February 11, 2010, FortisBC advised the Commission that it had reviewed the above application for cost award and that it had no comment with respect to OEIA's claim; and
- J. The Commission has reviewed the application for cost award regarding the FortisBC 2009 Annual Review and 2010 Revenue Requirements and notes that this application is beyond the reasonable dates as set out in Order G-72-07.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, the Commission approves the following:

- 1. A cost award in the amount of \$682.70, for out-of pocket expenses only, is approved for Okanagan Environmental Industry Alliance (represented by Ludo Bertsch) with respect to his participation in the FortisBC 2009 Annual Review and 2010 Revenue Requirements proceedings.
- 2. FortisBC is directed to reimburse the above noted participant for the total amount awarded in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of March 2010.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner