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**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

**An Application for Interim Participant Assistance/Cost Award
in a Proceeding to Review an Application by British Columbia Hydro and Power Authority
for the Hugh Keenleyside Spillway Gates Project**

BEFORE: L.F. Kelsey, Commissioner

September 8, 2010

O R D E R

WHEREAS:

- A. On July 16, 2010, British Columbia Hydro and Power Authority (BC Hydro) filed an application (the Application) with the British Columbia Utilities Commission (the Commission) under section 44.2(1)(b) for acceptance, pursuant to sections 44.2(3)(a) of the *Utilities Commission Act* (the Act), that capital expenditures BC Hydro anticipates making in respect of the Hugh Keenleyside Spillway Gates Project (the Project) as described in its Application, are in the public interest;
- B. Pursuant to Order G-125-10 dated July 30, 2010, BC Hydro held a stakeholder workshop on the Application on Wednesday, August 11, 2010;
- C. Pursuant to Order G-125-10 dated July 30, 2010, the Commission established the Regulatory Timetable and determined that a Written Public Hearing process is needed for the review of the Application;
- D. By letter dated August 19, 2010, the Sinixt Nation Society (SNS) submitted a Participant Assistance/Cost Award (PACA) Budget Estimate for its full and meaningful participation of the SNS in the proceeding to review the Application, and applied for interim PACA funding. The SNS stated that interim PACA funding is required to provide information that will be of assistance to the Commission in determining whether BC Hydro's consultation and accommodation duty on behalf of the Crown has been discharged and the impact of the Project on the Sinixt's interests. The SNS also stated that they have no staff and are unable to analyze the information and documents filed by BC Hydro or prepare their own evidence in the absence of financial support;
- E. Commission staff, by letter dated August 24, 2010, reviewed the SNS PACA Budget Estimate, and after adjusting the Budget Estimate for items that may not be funded, provided an Adjusted Budget Estimate of \$6,529.60 for the SNS;

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- F. BC Hydro provided comments on September 1, 2010, stating BC Hydro has no position on SNS's eligibility for PACA funding or the granting of advance PACA funding;
- G. Pursuant to Section 3 of the PACA Guidelines that are Appendix A to Order G-72-07, interim funding may be awarded up to 50 percent of the Adjusted Budget Estimate;
- H. The Commission accepts the SNS submission that the SNS does not have the financial resources to fund its participation in the review of the Application and approves an interim PACA payment that is 50 percent of the Adjusted Budget Estimate.

NOW THEREFORE the Commission orders as follows:

- 1. Pursuant to section 118(1) of the *Utilities Commission Act*, and Section 3 of the PACA Guidelines that are Appendix A to Order G-72-07, the Commission awards interim PACA funding to the Sinixt Nation Society for its participation in the Hugh Keenleyside Spillway Gates Application proceeding in the amount of \$3,264.80.
- 2. BC Hydro is directed to pay the Sinixt Nation Society the amount of the Participant's interim award in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 8th day of September 2010.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner