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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-19-11**

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

and

An Application for Participant Assistance/Cost Award
regarding the Complaint by
Shaw Cablesystems Limited and Shaw Business Solutions Inc.
to continue to use FortisBC Inc.'s Transmission Facilities

BEFORE: A.A. Rhodes, Panel Chair/Commissioner
M.R. Harle, Commissioner July 12, 2011
L.A. O'Hara, Commissioner

ORDER

WHEREAS:

- A. On October 26, 2009, Shaw Cablesystems Limited and Shaw Business Solutions Inc. (collectively, Shaw) applied for an order directing FortisBC Inc. (FortisBC) to allow Shaw to continue to use FortisBC's electric transmission facilities for Shaw's telecommunication facilities throughout the FortisBC service area (the Application) pursuant to section 70 of the *Utilities Commission Act* (the Act);
- B. The Application requests that the British Columbia Utilities Commission (Commission) issue an order directing FortisBC to allow Shaw to install, operate and maintain telecommunications cables and related interconnection facilities on FortisBC's electric transmission facilities including the facilities located on FortisBC's 11 line, 40 line, 50 line and 76 line and setting reasonable terms and rates for Shaw's use of FortisBC's facilities. Shaw submits that such an order is in the public interest;
- C. On June 16, 2010, FortisBC applied under section 102 of the Act for an order suspending all process relating to the Shaw Application pending a determination by the BC Court of Appeal on the issue of the Commission's jurisdiction to hear the Application (Suspension Request);
- D. By Order G-114-10 with Reasons for Decision, the Commission granted FortisBC's application for an order suspending all further process in the proceeding before the Commission;
- E. On December 6, 2010, the Court of Appeal issued its decision dismissing FortisBC's appeal with respect to the issue of the Commission's jurisdiction to hear the Application;
- F. By Letter dated February 14, 2011, Shaw advised that a tentative agreement had been reached that would resolve the dispute between the parties and requested that the Commission continue to suspend the hearing of Shaw's application until March 31, 2011;

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- G. In a letter dated February 17, 2011 (Exhibit A-14) the Commission granted Shaw's request to continue the suspension of the hearing;
- H. By letter dated May 2, 2011, counsel for Shaw advised that that Shaw and FortisBC had finalized an agreement resolving the dispute between the parties and therefore withdraws its application and asks that the hearing be discontinued;
- I. By Letter L-54-11 dated July 12, 2011, the Commission Panel approved the withdrawal of the application and the review process was terminated;
- J. By letter dated May 10, 2011, the British Columbia Public Interest Advocacy Centre, on behalf of its clients, the British Columbia Old Age Pensioners' Organization *et al.* (BCOAPO) applied for a Participant Assistance/Cost Award (PACA) with respect to its participation in the proceeding;
- K. By letter dated June 22, 2011, Shaw replied to the Commission's request for comment on the BCOAPO PACA Application stating that it does not object to the funding request;
- L. The Commission has reviewed the PACA application and comments from Shaw with regard to the criteria and rates set out in the PACA Guidelines.

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

- 1. A cost award in the amount of \$434.00 for BCOAPO with respect to its participation in the Shaw Complaint proceeding.
- 2. Shaw is directed to reimburse BCOAPO for the amount awarded in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 13th day of July 2011.

BY ORDER

Original signed by:

A.A. Rhodes
Commissioner