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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-9-13A**

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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
for the FortisBC Alternative Energy Service Inc.
Application for a Certificate of Public Convenience and Necessity
for the Telus Garden Thermal Energy System
and Approval of Rates Proceeding**

BEFORE: D.M. Morton, Panel Chair
B.A. Magnan, Commissioner
L.A. O'Hara, Commissioner
April 23, 2013

ORDER

WHEREAS:

- A. On October 16, 2012, FortisBC Alternative Energy Services Inc. (FAES) submitted an application (Application) for a Certificate of Public Convenience and Necessity (CPCN) to the British Columbia Utilities Commission (Commission) under sections 45 and 46 of the *Utilities Commission Act (UCA)* and for approval under sections 59, 60 and 61 of the *UCA* for the proposed rate design and rates, among other things, for a Thermal Energy System (TES) for the Telus Garden development;
- B. On October 19, 2012, by Order G-155-12, the Commission established a written hearing process for the proceeding which was subsequently revised by G-175-12 and G-189-12;
- C. Three interveners registered as participants for the proceeding: the Commercial Energy Consumers Association of British Columbia (CEC), the British Columbia Sustainable Energy Association-Sierra Club of British Columbia (BCSEA-SCBC) and Central Heat Distribution Ltd. (CHDL);
- D. Commission Order G-72-07 established Guidelines for Participant Assistance/Cost Award (PACA) applications;
- E. The CEC and BCSEA-SCBC submitted budget estimates and final applications for PACA funding to the Commission for their participation in the proceeding;

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- F. Pursuant to the PACA Guidelines the Commission determines the entitlement to a full or partial award taking into account the criteria in the Guidelines, the information provided by the participant and variances in estimates provided. The Commission is satisfied that the participants should receive a Participant Assistance Cost Award to recover costs related to this proceeding;
- G. By letter dated April 12, 2013, FAES stated it reviewed the PACA applications and has no objections or comments on the PACA applications submitted.

NOW THEREFORE the Commission orders as follows:

1. Pursuant to section 118 (1) of the *Utilities Commission Act*, the Commission awards funds in the following amounts to the Interveners for their participation in the proceeding. Reasons for partial awards are provided in Appendix A to this Order.

Intervener	Final Application	Participant Assistance Cost Award	Award as % of Final Application
CEC	\$12,586.00	\$10,136.00	81%
BCSEA-SCBC	\$9,118.20	\$8,715.00	96%

2. FAES is directed to reimburse the Participants for the amounts that have been awarded in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 23rd day of April 2013.

BY ORDER

Original Signed by:

D.M. Morton
Panel Chair

Attachments

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REASONS FOR DECISION

In determining the amount for Participant Assistance/Cost Awards (PACA) the British Columbia Utilities Commission (Commission) first considers the eligibility of the participant according to section 1 described in the PACA funding Guidelines attached as Appendix A to Order G-72-07. The Panel then considers the contributions of the participants and among other things may determine fair and reasonable costs in determining an award amount.

For this proceeding the Panel considers that a maximum reasonable cost award would be based upon up to three days of legal representation and up to four days for a combination of case management and consultant support. The Awards are determined for each participant calculated as the lesser of the applied -for legal and consultant amounts or three days for legal and four days for a combination of case management and consultant support multiplied by the maximum daily fees as set out in section 4 of the PACA Guidelines. The approved amounts are inclusive of applicable HST based on the timing of the submitted invoices.

The Panel further notes that the interveners have contributed to a better understanding of the issues in several thermal energy applications brought forward by the applicant though fewer new issues were involved in the current proceeding. The Panel also recognizes that both interveners have been largely supportive of the applicant.