



ORDER NUMBER

F-4-19

IN THE MATTER OF

the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Utilities Commission
Inquiry into the Regulation of Electric Vehicle Charging Service – Phase 1
Participant Assistance/Cost Award Application

BEFORE:

D. M. Morton, Panel Chair/Commissioner
A. K. Fung, QC, Commissioner
H. G. Harowitz, Commissioner

on January 24, 2019

ORDER

WHEREAS:

- A. By Order G-10-18 dated January 12, 2018, the British Columbia Utilities Commission (BCUC) established an inquiry (Inquiry) into the regulation of electric vehicle (EV) charging service pursuant to section 82 of the *Utilities Commission Act*;
- B. By Orders G-19-18, G-67-18 and G-96-18, the BCUC established the preliminary scope and regulatory timetable for the Inquiry. The Regulatory Timetable established one round of intervener written evidence on the preliminary scope items, followed by information requests and responses;
- C. During the period between March and April 2018, the BCUC held ten community input sessions;
- D. By Order G-119-18 dated July 4, 2018, following a procedural conference held on June 27, 2018, the BCUC determined a phased approach was appropriate for review of the Inquiry; established the scope of Phase 1 issues; and requested one round of submissions on the Phase 1 issues;
- E. On November 26, 2018, the BCUC issued the Phase 1 Report for the Inquiry;
- F. The BCUC received twelve Participant Assistance/Cost Award (PACA) applications. On January 3, 2019, British Columbia Hydro and Power Authority (BC Hydro) and FortisBC Inc. (FBC) provided their comments on the PACA applications. ChargePoint Inc. and Mr. Flintoff filed reply comments. Several participants submitted clarifications, additional supporting information and revisions to their PACA applications. The PACA applications are as follows:

Date	Participant	Application	Revision
Sep 21, 2018	BC Sustainable Energy Association and Sierra Club BC (BCSEA-SCBC)	\$92,273.37	-
Sep 20, 2018	City of Vancouver	\$24,880.80	-
Sep 21, 2018	Clean Energy Association of B.C.	\$13,811.00	-
Sep 24, 2018	ChargePoint Inc.	\$58,128.00	-
Sep 24, 2018	British Columbia Old Age Pensioners' Organization <i>et al</i> (BCOAPO)	\$31,816.78	-
Sep 27, 2018	Gary Guthrie (Guthrie)	\$766.37	-
Sep 28, 2018	Commercial Energy Consumers Association of British Columbia (CEC)	\$101,679.18	\$102,499.18
Oct 5, 2018	Community Energy Association	\$11,185.71	-
Oct 9, 2018	Vancouver Electric Vehicle Association	\$26,071.52	-
Oct 8, 2018	Brightside Solutions Inc.	\$2,520.00	\$5,040.00
Oct 5, 2018	Donald Flintoff (Flintoff)	\$37,358.60	\$44,582.60
Oct 7, 2018	LeadingAhead Energy (formerly known as Drive Energy Inc.)	\$3,098.19	-

- G. The BCUC has reviewed the PACA applications in accordance with the criteria and rates set out in the PACA Guidelines attached to Order G-97-17, and makes the following determinations.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, the BCUC orders as follows:

1. BC Hydro and FBC are directed to reimburse the participants for the awarded amount in directive #2 in a timely manner. Based on customer accounts, the allocation between BC Hydro and FBC is 94 percent and 6 percent, respectively.
2. Subject to the terms set out in the reasons for decision attached as Appendix A to this order, funding is awarded to the following participants in the listed amounts for their participation in Phase 1 of the Inquiry:

Participant	Award	94 percent Allocation to BC Hydro	6 percent Allocation to FBC
BCSEA-SCBC	\$86,158.17	\$80,988.68	\$5,169.49
City of Vancouver	\$24,880.80	\$23,387.95	\$1,492.85
Clean Energy Association of B.C.	\$13,811.00	\$12,982.34	\$828.66
ChargePoint Inc.	\$58,128.00	\$54,640.32	\$3,487.68
BCOAPO	\$25,544.78	\$24,012.09	\$1,532.69

Guthrie	\$725.32	\$681.80	\$43.52
CEC	\$79,474.27	\$74,705.81	\$4,768.46
Community Energy Association	\$11,185.71	\$10,514.57	\$671.14
Vancouver Electric Vehicle Association	\$26,071.52	\$24,507.23	\$1,564.29
Brightside Solutions Inc.	\$5,040.00	\$4,737.60	\$302.40
Flintoff	\$35,772.90	\$33,626.53	\$2,146.37
LeadingAhead Energy	\$3,058.75	\$2,875.23	\$183.53

DATED at the City of Vancouver, in the Province of British Columbia, this 24th day of January 2019.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachment

British Columbia Utilities Commission
Inquiry into the Regulation of Electric Vehicle Charging Service – Phase 1
Participant Assistance/Cost Award Application

REASONS FOR DECISION

1.0 Background

On January 12, 2018, the British Columbia Utilities Commission (BCUC) established an inquiry (Inquiry) into the regulation of electric vehicle (EV) charging service pursuant to section 82 of the *Utilities Commission Act* (UCA).

By Orders G-19-18, G-67-18 and G-96-18, the BCUC established the preliminary scope and regulatory timetable for the Inquiry. The Regulatory Timetable established one round of intervener written evidence on the preliminary scope items, followed by one round of information requests (IR) and responses. The BCUC also held ten community input sessions during the period between March and April 2018.

By Order G-119-18 dated July 4, 2018, following a procedural conference held on June 27, 2018, the BCUC determined a phased approach was appropriate for review of the Inquiry; established the scope of Phase 1 issues; and requested one round of submissions on the Phase 1 issues.

On November 26, 2018, the BCUC issued the Phase 1 Report for the Inquiry.

The BCUC received twelve Participant Assistance/Cost Award (PACA) applications. On January 3, 2019, British Columbia Hydro and Power Authority (BC Hydro) and FortisBC Inc. (FBC) provided their comments on the PACA applications. ChargePoint Inc. and Mr. Flintoff filed reply comments. Several participants submitted clarifications, additional supporting information, and revisions to their PACA applications. The PACA applications are as follows:

Date	Participant	Application	Revision
Sep 21, 2018	BC Sustainable Energy Association and Sierra Club BC (BCSEA-SCBC)	\$92,273.37	-
Sep 20, 2018	City of Vancouver	\$24,880.80	-
Sep 21, 2018	Clean Energy Association of B.C.	\$13,811.00	-
Sep 24, 2018	ChargePoint Inc. (ChargePoint)	\$58,128.00	-
Sep 24, 2018	British Columbia Old Age Pensioners' Organization <i>et al</i> (BCOAPO)	\$31,816.78	-
Sep 27, 2018	Gary Guthrie (Guthrie)	\$766.37	-
Sep 28, 2018	Commercial Energy Consumers Association of British Columbia (CEC)	\$101,679.18	\$102,499.18
Oct 5, 2018	Community Energy Association	\$11,185.71	-
Oct 9, 2018	Vancouver Electric Vehicle Association (VEVA)	\$26,071.52	-

Oct 8, 2018	Brightside Solutions Inc.	\$2,520.00	\$5,040.00
Oct 5, 2018	Donald Flintoff (Flintoff)	\$37,358.60	\$44,582.60
Oct 7, 2018	LeadingAhead Energy (formerly known as Drive Energy Inc.)	\$3,098.19	-

The Panel’s review of the PACA applications was guided by the PACA Guidelines set out by BCUC Order G-97-17. The Panel considered BC Hydro and FBC’s comments, the reply comments by PACA applicants, and the supplementary information provided by PACA applicants related to their PACA applications.

The following three sections of the Reasons for Decision set out the Panel’s determinations on:

- PACA eligibility;
- funding guidelines for this proceeding; and
- final awards for the eligible applicants.

2.0 PACA eligibility

The PACA Guidelines set out the eligibility requirements and criteria used in assessing cost awards (including the process for applying for a cost award, eligible costs and rates). Section 3.1 of the PACA Guidelines outlines the considerations to determine participant eligibility for a cost award. The BCUC will consider whether the participant:

- a) is directly or sufficiently affected by the BCUC’s decision; or
- b) has experience, information, or expertise relevant to a matter before the BCUC that would contribute to the BCUC’s decision-making.

Section 3.2 of the PACA Guidelines describes the general characteristics of a participant in a proceeding that would meet the eligibility criteria. Among those to be considered is whether a participant represents the direct interests of ratepayer groups or affected groups in relation to matters that are regulated by the BCUC.

BCUC determination

Having reviewed the PACA applications and the comments provided by participants, **the Panel finds that all twelve PACA applicants meet the eligibility criteria, as they are: (a) directly or sufficiently affected by the BCUC’s decision; or (b) have experience, information, or expertise relevant to a matter before the BCUC that contributed to the BCUC’s decision-making.**

3.0 PACA funding guidelines

Section 4.3 of the PACA Guidelines provides the following criteria for determining the amount of a participant's cost award:

- (a) Has the participant contributed to a better understanding by the BCUC of the issues in the proceeding?
- (b) To what degree will the participant be affected by the outcome of the proceeding?
- (c) Are the costs incurred by the participant fair and reasonable?
- (d) Has the participant joined with other groups with similar interests to reduce costs?
- (e) Has the participant made reasonable efforts to avoid conduct that would unnecessarily lengthen the duration of the proceeding, such as ensuring participation was not unduly repetitive?
- (f) The funding day calculation for funding in accordance with Sections 4.1 and 4.2, if one is provided.
- (g) Any other matters which the BCUC determines appropriate in the circumstances.

Funding days

Section 4.1 of the PACA Guidelines states for each proceeding for which a cost award is available, the BCUC may determine the number of funding days, subject to a funding cap if established for the proceeding. Section 4.2 of the PACA Guidelines provides guidance in determining the number of funding days. For a written proceeding or a written portion of a proceeding, funding days will typically be an estimate of the number of days required for participation in and preparation of written submissions such as information requests, final arguments and letters of comment. For an oral/in-person proceeding or an oral/in-person portion of a proceeding, funding days will typically be determined by the number of proceeding days and may include preparation days on a ratio of 2 funding days per proceeding day.

BCUC determination

The Panel has considered the events set out in the regulatory timetable, including any subsequent amendments, and determines that 14.5 days plus 1.5 days for each Community Input Session for participants is the typical number of funding days for full participation of the Inquiry, as shown in the table below:

Date (2018)	Action	Number of funding days (Including preparation and participation)
March 16	Evidence on preliminary scope	4
May 15	Intervener IR No. 1 on written evidence	4
June 6	Intervener responses to IR No. 1	2
June 27	Procedural Conference	1.5
August 1	Phase 1 – Intervener written Final Argument	2
August 22	Phase 1 – Intervener Reply Argument	1
	Subtotal	14.5
	Community Input Session presentation	1.5 each session

The Panel did not establish a funding cap for the Inquiry.

4.0 Final cost awards

In the reasons which follow, the Panel addresses specific issues arising from the PACA applications and apply adjustments as warranted, under four headings:

- Funding day requests exceeding the typical number of funding day guidelines set out above;
- Professional fees;
- Submission of receipts and/or invoices; and
- Provincial Sales Tax (PST) / Goods and Services Tax (GST) of disbursements

A summary of adjustments for each participant is set out in Attachment A of these reasons.

4.1 Funding day requests exceeding the typical number of funding days

BC Hydro's letter of comment observes that BCSEA-SCBC, CEC and ChargePoint exceed the professional fees budget previously approved by the BCUC. In the aforementioned section above, the Panel determined that 14.5 days plus 1.5 days for each Community Input Session is the typical number of funding days required for full participation in the Inquiry. The Panel notes that the number of funding days requested by BCSEA-SCBC, ChargePoint, BCOAPO, CEC and Flintoff have exceeded the Panel's expectations. The following is a summary of the requests in excess of the typical funding days:

- BCSEA-SCBC's legal counsel requested 19.9 days. Based on the level of participation, the typical funding days for BCSEA-SCBC's participation would be 16 days.
- ChargePoint's legal counsel requested a total of 16.5 days for legal counsel and 18 days for a case manager. Based on the level of participation, the typical funding days for ChargePoint's participation would be 16 days for each.
- BCOAPO's legal counsel requested 8.5 days. Based on the level of participation, the typical funding days for BCOAPO's participation would be 6.5 days.
- CEC requested a total of 31.8 days for consultants, and 20.88 days for legal counsel. Based on the level of participation, the typical funding days for CEC's participation would be 14.5 days for each.
- Flintoff requested 18.5 days. Based on Flintoff's level of participation, the typical funding days for Flintoff would be 16 days.

BCUC determination

For organizations that have applied for funding days equal to or less than the typical funding days indicated for their level of participation, **the Panel finds their contributions to have merited full awards for the days applied.**

In consideration of Section 4.3 of the PACA Guidelines, in order for participants to receive an award in excess of the typical funding days, the Panel views that they would have to demonstrate not only that they have contributed to a better understanding by the BCUC of the issues in the Inquiry, but that contribution must be above and beyond the Panel's expectations.

The Panel awards 100 percent of the typical funding days and 50 percent of the portion in excess of the typical funding days for each of BCSEA-SCBC, CEC and Flintoff. The Panel recognizes that BCSEA-SCBC, CEC and Flintoff

actively participated and contributed to the breadth of issues pertaining to the Inquiry, and for that reason is not imposing the funding day guidelines as a strict maximum for any of these participants. However, the Panel is not persuaded the time spent in excess of the typical number of funding days should be awarded in its entirety because the evidence and arguments submitted could have been more concise and focused.

The Panel awards 6.5 funding days for BCOAPO's legal counsel instead of the requested 8.5 days. BCOAPO participated in Intervener IR No. 1, the procedural conference, and Phase 1 final arguments, which suggest a typical funding day allowance of 6.5 days. Based on the limited participation, the Panel did not find any of BCOAPO's contributions to go above and beyond the Panel's expectations. Therefore, the Panel is not persuaded that BCOAPO should be awarded any additional funding days.

The Panel awards 100 percent of ChargePoint's requested funding days for its legal counsel and case manager. ChargePoint has actively participated in all aspects of the Inquiry. The Panel finds that the breadth and depth of ChargePoint's submissions to be informative from the perspective of an experienced party in the EV charging service sector. Therefore, the Panel finds that awarding ChargePoint the funding days in excess of the typical number is reasonable.

4.2 Professional fees

This section addresses the professional fees applied in Flintoff and LeadingAhead Energy's PACA applications.

BC Hydro and FBC submitted comments regarding Flintoff's claim for the Specialist /Expert Witness daily rate of \$2,150. Flintoff submits he has relevant expertise through direct hands-on experience with high-capacity charging of EV batteries from his university practical thesis.

Both BC Hydro and FBC raised the issue in Flintoff's lack of supporting documents in being qualified as an expert. In its submission, FBC views that even if Flintoff is to be considered an expert in the areas that he has noted in his PACA application, much of the evidence provided by Flintoff appeared to be outside his claimed specialized technical expertise. FBC submits that Flintoff's PACA application be adjusted and calculated at the Consultant 7+ years rate of \$1,850 per day (instead of the \$2,150 per day claimed).

In Flintoff's reply, it was acknowledged the questions raised in the Inquiry were not all purely technical and required an expert response. Flintoff proposed a consultant and expert witness prorate split at 80/20, amounting to a daily rate of \$1,910.

LeadingAhead Energy applied for a professional daily fee of \$960. The owner and operator of LeadingAhead Energy submitted that he has over one year of experience in the industry.

BCUC determination

The Panel awards Flintoff a daily fee of \$1,850 based on the maximum daily fee for consultants with 7+ years of related experience. The preliminary scope of the Inquiry sought evidence on two main categories: the basis for regulation, and rate design and rate setting. The revised scope of Phase 1 focused on the definition of a public utility under the UCA and the interpretation of a prescribed undertaking. The Panel considers a daily fee of \$1,850 to be the appropriate for Flintoff.

The Panel awards LeadingAhead Energy a daily fee of \$950 based on the maximum daily fee for consultants with 0-4 years of related experience. The daily maximum fees for professionals are set out in the PACA Guidelines. The Panel has no reason to depart from the rate schedule.

4.3 Submission of receipts and/or invoices

Pursuant to Section 14.2.1 of the PACA Guidelines, the BCUC may request supporting receipts and invoices. In BC Hydro's submission, it is noted that Guthrie, LeadingAhead Energy and Flintoff did not include receipts or invoices. The BCUC received clarifications and additional supporting information from participants regarding their PACA applications.

As with standard business practice, the Panel expects participants to submit all applicable receipts and invoices as part of the final PACA application to support the amounts claimed. For example, hotel, airfare, parking, taxi and ferries will generally have receipts or invoices. The Panel recognizes that printing/photocopying may or may not have receipts depending on whether the activity takes place at one's own home/office or at a print shop.

4.4 PST / GST of disbursements

PACA applicants may generally claim PST and GST for disbursements where such sales taxes have been incurred/paid by the PACA applicant. However, the Panel notes that some PACA applicants in the Inquiry claimed PST and GST on vehicle mileage, meal allowances, and home printing. Participants are reminded that PST and GST cannot be claimed under these circumstances because there are no exigible sales taxes on such disbursements. Accordingly, the Panel has adjusted the cost awards for the affected parties and removed the applied-for PST and GST amounts pertaining to applications in these categories.

SUMMARY OF ADJUSTMENTS

Participant	Application	Revision	Adjustments	Approved award amount
BC Sustainable Energy Association and Sierra Club BC (BCSEA-SCBC)	\$92,273.37	-	-\$6,115.20	\$86,158.17
City of Vancouver	\$24,880.80	-	-	\$24,880.80
Clean Energy Association of B.C.	\$13,811.00	-	-	\$13,811.00
ChargePoint Inc.	\$58,128.00	-	-	\$58,128.00
British Columbia Old Age Pensioners' Organization <i>et al</i> (BCOAPO)	\$31,816.78	-	-\$6,272.00	\$25,544.78
Gary Guthrie (Guthrie)	\$766.37	-	-\$41.05	\$725.32
Commercial Energy Consumers Association of British Columbia (CEC)	\$101,679.18	\$102,499.18	-\$23,024.91	\$79,474.27
Community Energy Association	\$11,185.71	-		\$11,185.71
Vancouver Electric Vehicle Association	\$26,071.52	-		\$26,071.52
Brightside Solutions Inc.	\$2,520.00	\$5,040.00		\$5,040.00
Donald Flintoff (Flintoff)	\$37,358.60	\$44,582.60	-\$8,809.70	\$35,772.90
LeadingAhead Energy (formerly known as Drive Energy Inc.)	\$3,098.19	-	-\$39.44	\$3,058.75

SUPPORTING CALCULATIONS

BCSEA-SCBC								
	Requested # of days – legal	Approved # of days – legal	Daily rate	Adjustment	GST	PST	Total adjustment	
	19.9 days	17.95 days	\$2,800	-\$5,460	-\$273	-\$382.20	-\$6,115.20	
BCOAPO								
	Requested # of days – legal	Approved # of days – legal	Daily rate	Adjustment	GST	PST	Total adjustment	
	8.5 days	6.5 days	\$2,800	-\$5,600	-\$280	-\$392	-\$6,272.00	
Guthrie								
	Item	GST		PST		Subtotal		
	Meals	-\$4.27		-\$5.99		-\$10.26		
	Vehicle mileage	-\$12.83		-\$17.96		-\$30.79		
	Adjustment total					-\$41.05		
CEC								
	Professional	Requested # of days	Approved # of days	Daily rate	Adjustment	GST	PST	Total adjustment ¹
	Legal	9.83 days	8.33 days	\$2,800	-\$4,205.06	-\$210.25	-\$294.35	-\$4,709.66
	Legal	11.05 days	9.36 days	\$800	-\$1,350.56	-\$67.53	-\$94.54	-\$1,512.63
	Consultant	31.80 days	23.15 days	\$1,850	-\$16,002.50	-\$800.13		-\$16,802.63
								-\$23,024.92

¹ Rounding may vary the calculation.

Flintoff								
	Requested # of days	Requested daily rate	Approved # of days	Approved daily rate	Adjustment	GST	PST	Subtotal
	18.5	\$2,150	17.25	\$1,850	-\$7,862.50	-\$393.13	-\$550.38	-\$8,806
	Item		GST		PST		Subtotal	
	Printing/photocopying		-\$0.75		-\$1.05		-\$1.80	
	Vehicle mileage		-\$0.79		-\$1.11		-\$1.90	
							-\$3.70	
	Professional fees adjustment		Disbursement adjustments			Total adjustment		
-\$8,806		-\$3.70			-\$8,809.70			
LeadingAhead Energy								
	# of days	Requested daily rate	Approved daily rate	Adjustment	GST	PST	Subtotal	
	3	\$960	\$950	-\$30	-\$1.50	N/A	-\$31.50	
	Item		GST		PST		Subtotal	
	Vehicle mileage		-\$3.31		-\$4.63		-\$7.94	
	Professional fees adjustment		Disbursement adjustment			Total adjustment		
	-\$31.50		-\$7.94			-\$39.44		