



ORDER NUMBER
F-7-21

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Net Metering Ratepayers Group and British Columbia Community Solar Coalition
Application for Reconsideration of BCUC June 23, 2020 Decision and Order G-168-20
Participant Assistance/Cost Award Application

BEFORE:

T. A. Loski, Panel Chair
D. A. Cote, Commissioner
M. Kresivo, QC, Commissioner

on January 25, 2021

ORDER

WHEREAS:

- A. On April 29, 2019, pursuant to section 59 to 61 of the *Utilities Commission Act*, British Columbia Hydro and Power Authority (BC Hydro) filed an application to seek approval from the British Columbia Utilities Commission (BCUC) to, among other things, amend the availability, billing and rate provisions in Rate Schedule (RS) 1289 (Net Metering Application);
- B. On June 23, 2020, the BCUC issued its Decision and accompanying Order G-168-20 (Net Metering Decision) with, among other things, the following final determinations:
 - 1. The proposed amendment to the Energy Price from 9.99 cents per kilowatt hour to an amount that would be updated every January 1 based on the daily average Mid-Columbia prices for the previous calendar year is approved;
 - 2. All Net Metering customers accepted into the Net Metering Program as of April 28, 2019 shall be eligible to receive the Transitional Energy Price of 9.99 cents per kilowatt hour for any surplus energy payments made from April 29, 2019 until April 30, 2024;
 - 3. The proposal to limit the output of a Net Metering Generating Facility to not exceed 110 percent of the customer's annual load is rejected; and
 - 4. The proposal to assign all Net Metering customers a March 1 default Anniversary Date with one opportunity to choose an alternative date thereafter is approved;
- C. On August 24, 2020, Net Metering Ratepayers Group (NMRG) and British Columbia Community Solar Coalition (BCCSC) filed an Application for Reconsideration of BCUC June 23, 2020 Decision and Order G-168-

20 (Reconsideration Application). In the Reconsideration Application, NMRG/BCCSC alleged the BCUC made errors in fact and law in Decision and Order G-168-20;

- D. By Order G-320-20 and accompanying reasons for decision, the BCUC summarily dismissed the Reconsideration Application.
- E. NMRG/BCCSC filed a Participant Assistance/Cost Award (PACA) application with the BCUC with respect to their participation in the proceeding:

Date	Participant	Application
January 7, 2021	NMRG/BCCSC	\$4,498.14

- F. The BCUC has reviewed the PACA application in accordance with the criteria and rates set out in the PACA Guidelines, attached to Order G-97-17, and concludes that the cost award should be denied.

NOW THEREFORE pursuant to section 118(1) of the *Utilities Commission Act*, and for the reasons outlined in Appendix A to this order, the BCUC denies NMRG/BCCSC's PACA application.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of January 2021.

BY ORDER

Original signed by:

T. A. Loski
Commissioner

Attachment

Net Metering Ratepayers Group and British Columbia Community Solar Coalition
Application for Reconsideration of BCUC June 23, 2020 Decision and Order G-168-20
Participant Assistance/Cost Award Application

REASONS FOR DECISION

1.0 Introduction

On April 29, 2019, pursuant to section 59 to 61 of the *Utilities Commission Act* (UCA), British Columbia Hydro and Power Authority (BC Hydro) filed an application to seek approval from the British Columbia Utilities Commission (BCUC) to, among other things, amend the availability, billing and rate provisions in Rate Schedule (RS) 1289 (Net Metering Application). On June 23, 2020, the BCUC issued its Decision and accompanying Order G-168-20 (Net Metering Decision) with, among other things, the following final determinations:

1. The proposed amendment to the Energy Price from 9.99 cents per kilowatt hour to an amount that would be updated every January 1 based on the daily average Mid-Columbia prices for the previous calendar year is approved;
2. All Net Metering customers accepted into the Net Metering Program as of April 28, 2019 shall be eligible to receive the Transitional Energy Price of 9.99 cents per kilowatt hour for any surplus energy payments made from April 29, 2019 until April 30, 2024;
3. The proposal to limit the output of a Net Metering Generating Facility to not exceed 110 percent of the customer's annual load is rejected; and
4. The proposal to assign all Net Metering customers a March 1 default Anniversary Date with one opportunity to choose an alternative date thereafter is approved;

On August 24, 2020, Net Metering Ratepayers Group (NMRG) and British Columbia Community Solar Coalition (BCCSC) filed an Application for Reconsideration of BCUC June 23, 2020 Decision and Order G-168-20 (Reconsideration Application). In the Reconsideration Application, NMRG submitted the BCUC made three errors of fact and law in Decision and Order G-168-20, namely:

- The BCUC made an error of fact by expressly determining that BC Hydro's "Figure 3: Residential (RS 1101) Net Generation Outflow Pattern" can be relied upon;
- The BCUC made an error of law by permitting BC Hydro to improperly change key evidence in its reply argument; and
- The BCUC made an error of law by improperly placing the onus of proof on NMRG and BCCSC rather than on the applicant, BC Hydro.

By Order G-320-20 and accompanying reasons for decision, the Panel summarily dismissed the Reconsideration Application, with the Panel finding that no such errors of fact or law had been made by the BCUC.

2.0 Participant Assistance/Cost Award Application and Guidelines

On January 7, 2021, NMRG/BCCSC filed a Participant Assistance/Cost Award (PACA) application with the BCUC in the amount of \$4,498.14 for their participation in the Reconsideration Proceeding. NMRG/BCCSC seek funding for professional fees incurred by their legal counsel respecting preparation of the Reconsideration Application.

Section 3 of the PACA Guidelines¹ provides that in determining whether a participant is eligible for a cost award in a proceeding 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 4.3 of the PACA Guidelines sets out the following criteria the BCUC will consider in 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.

Panel Determination

Upon review of the cost award criteria in section 4.3 of the PACA Guidelines, NMRG/BCCSC's PACA Application is denied.

Pursuant to section 28 of the BCUC's Rules of Practice and Procedure,² upon the filing of an application for reconsideration of a decision, the BCUC may, without further process, summarily dismiss the application, in whole or in part, on the basis that it fails to establish, on its face, any reasonable grounds for reconsideration of the decision. Alternatively, the BCUC may establish a hearing for a reconsideration application pursuant to section 29 of the Rules of Practice and Procedure.

In the case of NMRG/BCCSC, by Order G-320-20 and accompanying reasons for decision, NMRG/BCCSC failed to establish any reasonable grounds for reconsideration of Decision and Order G-168-20 and the Panel summarily dismissed the Reconsideration Application without further process or establishing a hearing. Given the failure of NMRG/BCCSC to establish reasonable grounds for reconsideration, the Panel finds that NMRG/BCCSC did not contribute to a better understanding of the issues in the proceeding for the Net Metering Application as raised within the Net Metering Reconsideration Application. Further, the Panel finds that NMRG/BCCSC's conduct

¹ BCUC PACA Guidelines, Order G-97-17, https://www.bcuc.com/Documents/Guidelines/2019/G-97-17_BCUC_PACA-Guidelines.pdf

² BCUC Rules of Practice and Procedure, Order G-15-19, https://www.bcuc.com/Documents/Participant-Info/G-15-19_BCUC_Rules_of_Practice_and_Procedure.pdf

unnecessarily lengthened the duration of the proceeding, thus increasing costs. Given these findings, the BCUC determines it is not fair and reasonable for NMRG/BCCSC to be awarded PACA funding for the Reconsideration Application.