



**ORDER NUMBER
F-15-21**

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

and

CB Powerline Ltd.
Application for a Certificate of Public Convenience and Necessity
Interim Participant Assistance/Cost Award Application

BEFORE:

T. A. Loski, Panel Chair
C. Brewer, Commissioner
W. M. Everett, QC, Commissioner

on April 21, 2021

ORDER

WHEREAS:

- A. On September 11, 2020, CB Powerline Ltd. (CBP) filed an application to the British Columbia Utilities Commission (BCUC) for a Certificate of Public Convenience and Necessity (CPCN) for the Cosens Bay community electrification project (Project) pursuant to sections 45 and 46 of the *Utilities Commission Act* (Application);
- B. By Orders G-248-20, G-317-20, G-18-21 and G-47-21, the BCUC established and amended the regulatory timetable for the review of the Application, which includes, to date, two rounds of information requests (IRs) to CBP from the BCUC, one round of IRs to CBP from the Panel and one round of IRs to CBP from the intervener, Okanagan Indian Band (OKIB);
- C. On March 26, 2021, OKIB filed an application for interim Participant Assistance/Cost Award (PACA) funding, pursuant to section 5.0 of the PACA Guidelines established by Order G-97-17 (PACA Application). In the PACA Application, OKIB submits the interim funding request demonstrates costs incurred and costs not yet incurred that OKIB anticipates incurring in order to participate in the proceeding to the extent granted to date. OKIB further submits that the interim funding requested is necessary to assist them in demonstrating the direct effects of the proposed Project on its Aboriginal and Treaty rights prior to the BCUC reaching a decision and that, as an Indigenous community currently managing the impacts of the ongoing COVID-19 global pandemic, an award granting the full amount requested is reasonable;
- D. On April 9, 2021, OKIB submitted a revised PACA Application (Revised PACA Application) to correct computational errors with respect to professional fees. In the Revised PACA Application, OKIB requests an interim PACA funding award of \$22,640;

- E. On March 31, 2021, CBP responded to OKIB's PACA Application, submitting that the level of OKIB's interim funding request is not justified and requesting that OKIB be awarded 50% of its budget estimate as interim costs, pursuant to section 5.5 of the PACA Guidelines. CBP further requests that any costs award be made as an advance against the Panel's final cost award determination after the conclusion of the proceeding;
- F. On April 9, 2021, OKIB provided its reply comments. OKIB submits that the BCUC is authorized to award all interim funding requested and that the affirmation of the unique needs of Aboriginal peoples expressed in the PACA Guidelines suggests the BCUC ought to consider these unique needs in its decision making. OKIB further submits that no issue is taken with CBP's request that the interim funding request be granted as an advance against final costs; and
- G. The Panel has reviewed the Revised PACA Application and comments submitted by CBP and OKIB in accordance with the criteria set out in the PACA Guidelines. The Panel considers that an interim cost award is warranted at this time, pending a review of the final PACA application for the proceeding.

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

1. An interim cost award to OKIB in the amount of \$22,640 is awarded as an advance against the BCUC's final cost award determination after the conclusion of the proceeding.
2. CBP is directed to pay OKIB the amount of the interim cost award in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 21st day of April, 2021.

BY ORDER

Original signed by:

T. A. Loski
Commissioner