



**ORDER NUMBER**  
**F-6-22**

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

FortisBC Energy Inc.  
Annual Review for 2022 Delivery Rates  
Participant Assistance/Cost Award Application

**BEFORE:**

A. K. Fung, QC, Panel Chair  
T. A. Loski, Commissioner  
R. I. Mason, Commissioner

on February 2, 2022

**ORDER**

**WHEREAS:**

- A. On June 22, 2020, the British Columbia Utilities Commission (BCUC) issued its Decision and Orders G-165-20 approving a Multi-Year Rate Plan (MRP) for 2020 through 2024 (2020–2024 MRP Decision) for FortisBC Energy Inc. (FEI) and G-166-20 for FortisBC Inc. (FBC) respectively. In accordance with the 2020–2024 MRP Decision, FEI is to conduct an annual review (Annual Review) process to set the delivery rates for each year;
- B. On July 30, 2021, FEI submitted its materials for the Annual Review for 2022 Delivery Rates Application (Application). In the Application, FEI requests an 8.07 percent delivery rates increase over the 2021 delivery rates, effective January 1, 2022, among other things;
- C. The regulatory process for the review of the Application, established by Order G-227-21, included among other things, one round of BCUC and intervener information requests, a workshop, FEI's response to undertakings at the workshop, and written final and reply arguments;
- D. The following interveners registered in the proceeding:
  - BC Sustainable Energy Association (BCSEA);
  - British Columbia Old Age Pensioners' Organization et al. (BCOAPO);
  - Commercial Energy Consumers Association of British Columbia (the CEC);
  - Movement of United Professionals (MoveUP); and
  - Residential Consumer Intervener Association (RCIA);
- E. On December 10, 2021, by Decision and Order G-366-21, the BCUC made various determinations on the Application, including granting permanent approval of the requested delivery rate increases, subject to final adjustments;
- F. The following participants filed Participant Assistance/Cost Award (PACA) applications with the BCUC with respect to their participation in the proceeding:

| Date              | Participant | Application |
|-------------------|-------------|-------------|
| November 23, 2021 | MoveUP      | \$5,902.40  |
| November 29, 2021 | The CEC     | \$31,857.01 |
| December 8, 2021  | BCSEA       | \$8,841.70  |
| December 9, 2021  | BCOAPO      | \$18,209.10 |
| January 3, 2022   | RCIA        | \$10,253.25 |

- G. On December 24, 2021 and January 5, 2022, in accordance with Section 14.2 of the BCUC's PACA Guidelines approved by Order G-97-17 (PACA Guidelines), FEI submitted that it has no further comment in respect of the PACA applications if the BCUC is satisfied that the participants have met the eligibility requirements, that the funding days claimed are appropriate, and that the level of participation has met with the BCUC's criteria and requirements; and
- H. The BCUC has reviewed the PACA applications in accordance with the criteria and rates set out in the PACA Guidelines and makes the following determinations.

**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 orders as follows:

- Funding is awarded to the following interveners in the listed amounts, inclusive of applicable taxes, for their respective participation in the FEI Annual Review for 2022 Delivery Rates proceeding:

| Participant | Award       |
|-------------|-------------|
| MoveUP      | \$5,902.40  |
| The CEC     | \$23,310.00 |
| BCSEA       | \$8,841.70  |
| BCOAPO      | \$18,209.10 |
| RCIA        | \$10,253.25 |

- FEI is directed to reimburse the above-noted participants for the awarded amounts in a timely manner.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 2<sup>nd</sup> day of February 2022.

BY ORDER

*Original signed by:*

A. K. Fung, QC  
Commissioner

Attachment

FortisBC Energy Inc.  
Annual Review for 2022 Delivery Rates  
Participant Assistance/Cost Award Application

## REASONS FOR DECISION

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### 1.0 Background

On June 22, 2020, the British Columbia Utilities Commission (BCUC) approved a multi-year rate plan (MRP) for FortisBC Energy Inc. (FEI) covering a five-year period (2020 to 2024) (MRP Decision). The MRP Decision directed an annual review process (Annual Review) to set FEI's delivery rates.

On July 30, 2021, FEI filed its Annual Review for 2022 Delivery Rates Application (Application). In the Application, FEI seeks to set permanent delivery rates for 2022, which FEI forecasts to increase by 8.07 percent over the delivery rates for 2021.

On December 10, 2021, by Decision and Order G-366-21, the BCUC made various determinations on the Application, including granting permanent approval of the requested delivery rate increases, subject to final adjustments.

Applications for Participant Assistance/Cost Award (PACA) funding were received from five participants with respect to their participation in the proceeding.

### 1.1 Legislative Framework

Section 118 of the *Utilities Commission Act* (UCA) states that the BCUC may order a participant in a proceeding before the BCUC to pay all or part of the costs of another participant in the proceeding.<sup>1</sup>

Order G-97-17, dated June 15, 2017, outlines the BCUC's PACA Guidelines (PACA Guidelines). Section 3.0 of the PACA Guidelines relates to participant eligibility for a cost award and Section 4.0 relates to criteria for a cost award. Per section 4.3 of the PACA Guidelines, the BCUC considers the following 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.

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<sup>1</sup> UCA, RSBC 1996, c. 473, s. 118.

## 2.0 PACA Applications

The following participants filed PACA applications with the BCUC regarding their respective involvement in the proceeding:

| Date              | Participant                                                           | Application |
|-------------------|-----------------------------------------------------------------------|-------------|
| November 23, 2021 | Movement of United Professionals (MoveUP)                             | \$5,902.40  |
| November 29, 2021 | Commercial Energy Consumers Association of British Columbia (the CEC) | \$31,857.01 |
| December 8, 2021  | BC Sustainable Energy Association (BCSEA)                             | \$8,841.70  |
| December 9, 2021  | British Columbia Old Age Pensioners' Organization et al. (BCOAPO)     | \$18,209.10 |
| January 3, 2022   | Residential Consumer Intervener Association (RCIA)                    | \$10,253.25 |

The PACA applications included the following funding days for the interveners' respective participation:

| Participant | Legal Counsel | Consultant | Total |
|-------------|---------------|------------|-------|
| MoveUP      | 1.94          | 0.00       | 1.94  |
| The CEC     | 4.575         | 10.00      | 14.58 |
| BCSEA       | 2.20          | 1.00       | 3.20  |
| BCOAPO      | 4.30          | 3.31       | 7.61  |
| RCIA        | 0.20          | 5.60       | 5.80  |

On December 24, 2021 and January 5, 2022, FEI provided its comments with respect to the above PACA applications, in accordance with Section 14.2 of the PACA Guidelines. FEI submitted that it has no further comment in respect of the PACA applications if the BCUC is satisfied that the participants have met the eligibility requirements, that the funding days claimed are appropriate, and that the level of participation has met with the BCUC's criteria and requirements.

### *BCUC Determination*

**With the exception of the funding applied for by the CEC, the Panel finds the amounts in the PACA applications to be fair and reasonable and therefore awards the respective funding as applied for.**

The Panel considers the criteria in the PACA Guidelines and finds that all participants are eligible for PACA and contributed to a better understanding of the issues raised in this proceeding. Each intervenor actively participated in the proceeding, and except for the CEC, the number of funding days claimed for both legal and consulting services meet the expectations of the Panel.

The Panel finds the award for counsel fees applied for by the CEC to be reasonable. However, with respect to consultant fees, the Panel finds the funding days applied for exceed the Panel's expectation of funding days for the proceeding.

As noted above, we acknowledge that the CEC participated fully in the proceeding and contributed to a better understanding by the BCUC of the issues in the proceeding. However, the CEC's funding days for its consultant are not reasonable in comparison to the other participants' funding days. As shown in the table above, the CEC's 10 funding days for its consultant are almost double those of the next highest funding days of 5.6 for a consultant and are greater than all other participants' respective total funding days.

Considering the range of funding days applied for by the participants in the proceeding, the Panel finds a maximum of 5.6 funding days for consulting services to be fair and reasonable for the amount of regulatory effort necessary to participate fully in the proceeding. **Therefore, the Panel awards the CEC \$23,310.00, inclusive of applicable taxes, which is based on a reduction of its funding days for its consultant to 5.6 days. The award is calculated as follows:**

|                     | Daily Rate | Days  | GST      | PST      | Total              |
|---------------------|------------|-------|----------|----------|--------------------|
| Consulting Services | \$1,850    | 5.600 | \$518.00 | \$0      | \$10,878.00        |
| Legal Counsel       | \$2,800    | 2.675 | \$374.50 | \$524.30 | \$8,388.80         |
| Legal Counsel       | \$1,900    | 1.900 | \$180.50 | \$252.70 | \$4,043.20         |
| <b>Total Award</b>  |            |       |          |          | <b>\$23,310.00</b> |

The Panel notes that the CEC did not submit a budget to the BCUC. Although the lack of a budget was not a consideration in the Panel's determination for a funding award for the proceeding, the Panel reminds all participants who intend to apply for a cost award exceeding \$10,000 to submit a budget in accordance with Section 14.1 of the PACA Guidelines. Submitting a budget would allow participants the opportunity to adjust their planned funding days based on BCUC staff's review prior to incurring all of the expenses.