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ORDER NUMBER
F-1-23A

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

and

Creative Energy Vancouver Platforms Inc.
Application for Rates for the Core Steam System and Northeast False Creek Service Areas
Participant Assistance/Cost Award Application

BEFORE:
T. A. Loski, Panel Chair
A. C. Dennier, Commissioner
A. Pape-Salmon, Commissioner

on January 27, 2023

ORDER

WHEREAS:

A. On November 1, 2021, Creative Energy Vancouver Platforms Inc. (Creative Energy) filed with the British Columbia Utilities Commission (BCUC) part one of its application for approval of rates for the core steam (Core Steam) and Northeast False Creek (NEFC) service areas, which addresses rate design (Application Part One). Specifically, Creative Energy proposed to consolidate the cost of service and rates of the NEFC service area with the Core Steam system, effective January 1, 2022, and charge customers connected to the NEFC system the same rates as customers connected to the Core Steam system, plus a system contribution charge (Proposed Rate Design);

B. On December 1, 2021, Creative Energy filed, among other things, the 2022 revenue requirements for the Core Steam and NEFC service areas based on the Proposed Rate Design (Application Part Two), which requested approval of interim and permanent rates, effective January 1, 2022 (Applications Part One and Part Two are collectively referred to as the Application);

C. By Orders G-11-22, G-104-22, G-115-22, G-176-22 and G-211-22 the BCUC established regulatory timetables to review the Application, which included, among other things, notice of Application, dates for intervener registration, BCUC and intervener information requests (IRs) No. 1 and 2, Creative Energy's responses to IRs, and written final and reply arguments;

D. The Commercial Energy Consumers Association of British Columbia (the CEC) and the Residential Consumer Intervener Association (RCIA) participated as interveners in the proceeding;

E. By Order G-345-22 and the accompanying decision dated November 29, 2022, the BCUC approved, among other things, for Creative Energy to consolidate the cost of service and unify the rate base and rates for the NEFC system with the Core Steam system under the Proposed Rate Design, effective January 1, 2022;

F. The following interveners filed Participant Assistance/Cost Award (PACA) applications with the BCUC with respect to their participation in the proceeding:

Date	Participant	Application
September 29, 2022	The CEC	$48,040.21
November 5, 2022	RCIA	$18,558.75

G. By email dated December 28, 2022, Creative Energy stated it does not intend to provide any comments on the PACA applications; and
H. The BCUC has reviewed the PACA applications in accordance with the criteria and rates set out in the PACA Guidelines, attached to BCUC Order G-97-17, and determines that cost awards in the amount stipulated below should be approved.

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

1. For the reasons outlined in Appendix A to this order, funding is awarded to the CEC and RCIA in the listed amounts below for their participation in the proceeding:

Participant	Award
The CEC	$33,628.15
RCIA	$17,367.00

2. Creative Energy is directed to reimburse the above-noted interveners for the awarded amount in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of January 2023.

BY ORDER

Original signed by:

T. A. Loski
Commissioner

Attachment

Creative Energy Vancouver Platforms Inc.
Application for Rates for the Core Steam System and Northeast False Creek Service Areas
Participant Assistance/Cost Award Application

REASONS FOR DECISION

1.0 Background

On November 1, 2021, Creative Energy Vancouver Platforms Inc. (Creative Energy) filed with the British Columbia Utilities Commission (BCUC) part one of its application for approval of rates for the core steam (Core Steam) and Northeast False Creek (NEFC) service areas, which addresses rate design (Application Part One). Specifically, Creative Energy proposed to consolidate the cost of service and rates of the NEFC service area with the Core Steam system, effective January 1, 2022, and charge customers connected to the NEFC system the same rates as customers connected to the Core Steam system, plus a system contribution charge (Proposed Rate Design). On December 1, 2021, Creative Energy filed, among other things the 2022 revenue requirements for the Core Steam and NEFC service areas based on the Proposed Rate Design (Application Part Two), which requested approval of interim and permanent rates, effective January 1, 2022 (Applications Part One and Part Two are collectively referred to as the Application).

By Order G-345-22 dated November 29, 2022, with the decision issued concurrently, the BCUC approved, among other things, for Creative Energy to consolidate the cost of service and unify the rate base and rates for the NEFC system with the Core Steam system under the Proposed Rate Design, effective January 1, 2022.

The Commercial Energy Consumers Association of British Columbia (the CEC) and Residential Consumer Intervener Association (RCIA) participated as interveners in the proceeding.

2.0 Legislative Framework

Section 118(1) of the *Utilities Commission Act* (UCA) provides that "The commission may order a participant in a proceeding before the commission to pay all or part of the costs of another participant in the proceeding."

The PACA Guidelines as set out in Appendix A attached to BCUC Order G-97-17 dated June 15, 2017, stipulate 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. If the participant is eligible for a cost award, the Panel then considers the following in determining the amount of a participant's cost award in accordance with Section 4.3 of the PACA Guidelines:

(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.

3.0 PACA Applications

The CEC and RCIA filed their PACA applications with the BCUC with respect to their participation in the proceeding on September 29, 2022 and November 5, 2022, respectively. The following table summarizes the cost award sought by each intervener in its respective PACA application:

Date	Participant	Application
September 29, 2022	The CEC	$48,040.21
November 5, 2022	RCIA	$18,558.75

3.1 The CEC PACA Application

The CEC seeks a cost award of $48,040.21 in its PACA Application, which includes:[1]

- 18.125 days for consultants David Craig and Janet Rhodes;
- 3.125 days for legal counsel Christopher Weafer; and
- 1.425 days for legal counsel Patrick Weafer.

3.2 RCIA PACA Application

RCIA seeks a cost award of $18,558.75 in its PACA Application, which includes:[2]

- 4.4 days for consultant Mr. Chris Oakley;
- 0.5 days for consultant Mr. Peter Helland;
- 0.2 days for consultant Mr. Michael Potyok;
- 6.0 days for consultant and 0.8 days for case manager Mr. Matthew Matusiak;
- 0.4 days for consultant Mr. Rory McGregor; and
- 0.6 days for legal counsel Mr. Fred Cass.

RCIA included in its PACA application a breakdown of time spent on the proceeding for all professionals noted above.[3] Mr. Peter Helland's (consultant) and Mr. Matthew Matusiak's (case manager) breakdown of time spent includes 2 hours and 3 hours, respectively, described as "PACA Award."[4]

[1] The CEC PACA application, dated September 29, 2022, pp. 4-8.
[2] RCIA PACA application, dated November 5, 2022, pp. 4-10.
[3] RCIA PACA application, dated November 5, 2022, Attachment "Creative NEFC – RCIA Activity Log".
[4] RCIA PACA application, dated November 5, 2022, Attachment "Creative NEFC – RCIA Activity Log", pp. 1 and 7-8.

Subsequently, RCIA also provided signed memorandums from each professional noted above to support the daily rates claimed.[5]

4.0 BCUC Determination

The Panel has reviewed the CEC's and RCIA's PACA applications in accordance with the criteria and rates set out in the PACA Guidelines attached to Order G-97-17 and is satisfied that both the CEC and RCIA are eligible for PACA funding. Both interveners have experience and expertise relevant to matters before the BCUC, actively participated in the proceeding, and contributed to a better understanding of the issues. Having concluded both interveners are eligible for PACA funding, the Panel needs to establish the cost award each intervener is entitled to receive. For the reasons set out below, the Panel determines that partial cost awards should be approved for both the CEC and RCIA.

The CEC

While the Panel recognizes that the CEC contributed to a better understanding of the issues in the proceeding, the Panel does not consider that the CEC's claimed funding days are commensurate with the contributions that were made, nor do they reflect fair and reasonable costs. For example, the CEC's PACA application is for an amount over 2.5 times greater than that of RCIA's. In the view of the Panel, while the CEC did pursue a greater number of issues in the proceeding as compared to RCIA, the applied for PACA award is excessive in relation to the incremental contributions made by the CEC with respect to those issues.

The Panel finds that reducing the CEC's applied-for PACA award by 30 percent will result in an award that is fair and reasonable, with consideration of the issues pursued by the CEC during the proceeding and the CEC's contributions to the Panel's understanding of those issues. **Accordingly, funding is awarded to the CEC in the amount of $33,628.15, inclusive of applicable taxes.** The award is calculated as follows:

The CEC Participant	Daily Rate	Days	Subtotal	GST	PST	Total
David Craig and Janet Rhodes – Consultant	$1,850.00	12.68750	$ 23,471.88	$1,173.59	0.00	$24,645.47
Christopher Weafer – Legal Counsel	$2,800.00	2.18750	$6,125.00	$306.25	428.75	$6,860.00
Patrick Weafer – Legal Counsel	$1,900.00	0.99750	$1,895.25	$94.76	132.67	$2,122.68
Total Award						**$33,628.15**

RCIA

The Panel considers that RCIA contributed to a better understanding of the issues in the proceeding. The Panel notes that, apart from the two items identified below, the number of funding days claimed for legal counsel, consulting services and case manager services, are reasonable.

RCIA's supporting timesheet for its consultant, Mr. Peter Helland, and case manager, Mr. Matthew Matusiak, includes time spent preparing its PACA submission of 2 hours and 3 hours, respectively. Section 4.2(b) of the PACA Guidelines state that for a written proceeding funding days will typically include the number of days required for participation in and preparation for written submission such as information requests, final

[5] RCIA PACA supporting memorandums dated November 22, 2022 and November 25, 2022.

arguments, and letters of comment. The Panel considers that it is not reasonable for the cost award to include costs to prepare a PACA submission, as they relate to matters of billing.

Further, RCIA has based the daily fees on an eight-hour workday in accordance with Section 7.2 of the PACA Guidelines. However, RCIA rounded up the resulting days of service to the nearest decimal place as opposed to using all decimal places of the resulting figures to calculate the PACA claim. The Panel does not consider rounding up the days of service to the nearest decimal point accurately reflects the time worked on the proceeding and is of the view that RCIA's PACA claim should be adjusted to only include the actual costs incurred.

Based on the above, the Panel awards RCIA $17,367.00, inclusive of taxes, which is based on a reduction of hours billed by Mr. Peter Helland and Mr. Matthew Matusiak for preparing the PACA submission and a reduction to remove those instances where the calculated days of service were rounded up to the nearest decimal point. The award is calculated as follows:

RCIA Participant	Daily Rate	Hours	Days	Subtotal	GST	Total
Chris Oakley – Consultant	$1,850.00	35.00	4.37500	$8,093.75	$404.69	$8,498.44
Peter Helland – Consultant	$1,850.00	1.25	0.15625	$289.06	$14.45	$303.52
Michael Potyok – Consultant	$1,850.00	1.50	0.18750	$346.88	$17.34	$364.22
Matthew Matusiak – Consultant	$950.00	47.75	5.96875	$5,670.31	$283.52	$5,953.83
Matthew Matusiak – Case Manager	$600.00	3.25	0.40625	$243.75	$12.19	$255.94
Rory MacGregor – Consultant	$950.00	3.00	0.37500	356.25	$17.81	$374.06
Fred Cass – Legal Counsel	$2,800	4.40	0.55000	$1,540.00	$77.00	$1,617.00
Total Award						**$17,367.00**

Lastly, the Panel notes that RCIA's PACA application was filed after the deadline as established under Section 14.2.2 of the PACA Guidelines and that no notice was provided to the BCUC regarding the late filing. The Panel is concerned about how late filings add to the administrative costs for the BCUC, its regulated entities, and ultimately the ratepayers. RCIA is advised that the participant may be at risk of reduced or non-funding should applications continue to be received late.