



March 27, 2020

Sent via email/eFile

BCUC INDIGENOUS UTILITIES REGULATION INQUIRY
EXHIBIT A-52

Re: British Columbia Utilities Commission – Indigenous Utilities Regulation Inquiry – Project No. 1598998 - Participant Assistance/Cost Award

BACKGROUND

On March 31, 2019 the British Columbia Utilities Commission (BCUC) established an inquiry into the regulation of Indigenous-owned utilities in British Columbia (Inquiry). Order G-97-17 provides that Participant Assistance/Cost Award (PACA) funding is available to participants in such inquiries pursuant to section 118 of the *Utilities Commission Act*.

The BCUC has published PACA Guidelines¹ on the nature of costs that PACA covers and provides guidance to participants on how to apply for PACA funding following the final deadline for written comments on March 31, 2020. The BCUC recognizes that there are a number of participants in the Inquiry that may be new to the BCUC's PACA funding process. The BCUC has therefore provided some background information regarding the preparation of PACA applications and the PACA process.

DO I QUALIFY FOR PACA FUNDING?

You are eligible to receive PACA funding if you are an individual, group, or organization who has actively participated in the Inquiry (e.g. providing a written submission), and you may be affected by this Inquiry (e.g. representing a First Nation) or you have provided information or expertise that is relevant to the BCUC's decision making.

WHAT EXPENSES ARE COVERED BY PACA?

PACA covers two types of costs that may have been required to participate in the Inquiry - professional fees, and other costs and disbursements.

Professional Fees - The BCUC has set out maximum daily fees² for professional services such as lawyers or consultants in Attachment A of the PACA Guidelines (and also attached to this letter). The BCUC allows use of multiple professional services but expects these services to be used in a cost-effective manner, which includes efforts to avoid duplication of services among legal counsel, consultants, specialist, expert witnesses and case managers. Funding is also available for Traditional Knowledge Experts and Elders in accordance with Section 11 of the PACA Guidelines.

¹ <https://www.ordersdecisions.bcuc.com/bcuc/orders/en/232028/1/document.do>

² Please note that the rates applied for through PACA should not exceed the actual rate invoiced for the professional services.

Please note that expert witnesses are expected to provide services related to their specialized technical expertise and to provide fair, objective and non-partisan opinion evidence.

Other Costs and Disbursements - These costs are for expenses to enable participation in the inquiry. These include but are not limited to, child care, foregone earning, travel, printing etc. For example, if you participated in a Community Input Session or workshop you may have incurred travel and accommodation costs. The rates for meals and travel expenses are set out in Attachment B of the PACA Guidelines and attached to this letter. Note that the BCUC does not cover the costs of incidentals.

Please note that any costs that were claimed via the BCUC's capacity funding process cannot be claimed again through PACA.

WHAT IS THE PROCESS FOR APPLYING FOR PACA FUNDING?

Step 1: Making the Application for a Funding Award

Within 30 calendar days following the final date for submissions (i.e. by April 30, 2020) participants must file a completed PACA Application form³ by email to the Commission Secretary at commission.secretary@bcuc.com.

At a minimum, the PACA Application must detail the tasks undertaken by each professional (e.g. preparing submissions, attending a workshop, responding to information requests), the number of funding days applied for and applicable daily rates.

The BCUC also recommends that applicants include the following information in their applications (where applicable):

- All invoices for professional fees, and receipts for other costs incurred (such as travel);
- Resumés for all professionals (unless these have already been submitted to the BCUC in the past 12 months);
- If multiple professionals were used to perform similar tasks, a brief explanation of why multiple persons were needed or how their responsibilities were different;
- If the applicant had previously submitted a PACA Budget to the BCUC, and the total funding applied for is significantly higher than in the budget, an explanation of why there was an increase from the budget.

If there are any questions regarding the PACA Application process, BCUC staff will be happy to assist.

Step 2: Review of the PACA Application

The BCUC will review the final application for PACA and BCUC staff may be in touch if they have any questions or require additional information.

In accordance with Section 14.2.4 of the PACA Guidelines, the BCUC will share a copy of the final application with the parties being asked to pay for the PACA costs (BC Hydro, FortisBC and Pacific Northern Gas)⁴ who have ten days to comment on the PACA Application. Applicants can then respond to those comments within five business days. Applicants must specify in advance if there are any aspects of their application which they wish to be kept confidential from these parties.

³ Retrieved from: <https://www.bcuc.com/documents/paca/PACA-Application-Form-August-2016.docx>

⁴ Note that the BCUC recovers its costs from the utilities that it regulates. The BCUC will be recovering costs associated with this Inquiry, including PACA, from the major utilities, who therefore have a right to comment on all PACA Applications. The Panel is the final arbiter of any cost awards.

The Inquiry Panel will determine the applicant's eligibility for PACA funding, and the amount to be awarded. As outlined in Section 4.3 of the PACA Guidelines, the Panel uses several criteria when determining the amount of a participant's cost award, including:

- Has the participant contributed to a better understanding by the BCUC of the issues in the proceeding?
- To what degree will the participant be affected by the outcome of the proceeding?
- Are the costs incurred by the participant fair and reasonable?
- Has the participant joined with other groups with similar interests to reduce costs?

The BCUC aims to issue final cost awards by order no later than 60 calendar days after the Inquiry's Final Report has been issued.

What happens if I don't agree with the BCUC's decision on my PACA Application?

The BCUC will provide reasons for its decision if there is an adjustment to the funding applied for. An affected participant may seek a reconsideration of its award, but must file its application within 30 business days of the BCUC's decision on the award.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

PS/ad
Enclosure

APPENDIX A
to Order G-97-17

ATTACHMENT A: Rate Schedule I
effective August 31, 2016

1. Professional fees

a. Legal counsel

Years Since Call	Maximum Daily Fee
Articling student	\$850
0–4	\$1900
5–7	\$2250
8–12	\$2550
12+	\$2800

b. Consultants and specialist/expert witnesses

Years of Related Experience	Maximum Daily Fee
Consultant 0–4	\$950
Consultant 5–7	\$1300
Consultant 7+	\$1850
Specialist /Expert Witness	\$2150

c. Case managers: maximum \$600 per day.

2. Foregone earnings: maximum \$250 per proceeding day per person.

3. Child care: maximum \$75 per proceeding day per person.

APPENDIX B
to Order G-97-17

ATTACHMENT B: Rate Schedule II
effective April 1, 2019¹

<u>MEAL EXPENSES¹</u>		<u>TRAVEL RATES²</u>	
Breakfast only	\$22.00	Vehicle Mileage:	\$.55/km ²
Lunch only	\$22.00	Airfare:	Full Fare Economy ²
Dinner only	\$28.50		
Breakfast & Lunch	\$30.00		
Breakfast & Dinner	\$36.50		
Lunch & Dinner	\$36.50		
Breakfast, Lunch & Dinner	\$49.00		

ACCOMMODATION RATES³

(Single Room Rate Only) For a full list of hotels and rates please see:
<http://csa.pss.gov.bc.ca/businesstravel/>

Private accommodation: \$30.75/night

To determine what the current Government rate is in the area in which the hearing is being conducted, please visit the above noted site, and review the Accommodation rate for the Hotel the Commission has booked for the hearing.

In order for the participants to receive the Provincial Government Rate, please contact the Financial Administrator at the BC Utilities Commission and request an approval letter.

NOTES:

1. **Meal expenses/travel rates for in town participants:** In-town participants who attend a hearing may apply for meal expenses and travel rates. Meal expenses, such as lunch, and travel rates are intended for individual participants who do not apply for professional fees.
2. **Meal expenses for out of town participants:** Participants who have applied to attend a hearing not in their immediate area may apply for meal expenses.
3. **Travel rates for out of town participants:** Participants who have applied for funding to attend a hearing not in their immediate area may apply for travel rates.
4. **Accommodation rates** for out of town participants apply to the area in which the hearing is being conducted.

For government rates please see: <http://csa.pss.gov.bc.ca/businesstravel/>

- For hotels with blacked-out periods, the seasonal rate charged in the month prior to the month in which costs are incurred, shall apply.
- Rates charged by Hotels not on the Government Accommodation Listing will be subject to review and adjustment by the Commission.

¹ Rates updated April 11, 2019.