



Guidelines for Participation Costs of Eligible Organizations
under
Section 46.2 of the Coastal Ferry Act

December 30, 2019

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1. PURPOSE AND SCOPE OF THESE GUIDELINES

- 1.1. Pursuant to Section 46.2 of the *Coastal Ferry Act* the Office of BC Ferries Commissioner (“Commission”) may, if considered to be in the public interest, pay all or part of the costs incurred by an eligible organization in participating in a proceeding under this Act in which the Commission has invited public comment.
- 1.2. The purpose of these guidelines is to set out the Commission’s procedure for considering applications for funding and to provide guidance to eligible organizations on how to apply for funding for proceedings where public input has been invited by the Commission.

2. COST AWARD ELIGIBILITY

- 2.1. The Commission may award costs to eligible organizations for participation in a proceeding under Section 46.2 of the *Coastal Ferry Act*. Organizations eligible for cost award is defined in Section 46. 2 of the Act:
 - (1) *In this section, "eligible organization" means an organization that, in the opinion of the commissioner,*
 - (a) *is a non-profit or volunteer organization, and*
 - (b) *represents the interests of non-commercial ferry users.*
 - (2) *If the commissioner considers it in the public interest, the commissioner may pay all or part of the costs incurred by an eligible organization in participating in a proceeding under this Act in which the commissioner has invited public comment.*
- 2.2. The Commission may establish a funding cap for the proceeding which is the maximum amount of costs that may be awarded to an eligible organization for a proceeding.
- 2.3. The Commission may award costs for work completed after a proceeding is initiated and up to the closing date for public comments.

3. ELIGIBILITY FOR A COST AWARD

- 3.1. An eligible organisation (“claimant”) may apply for consideration for a cost award in a proceeding where the Commission has invited public comments and specified a funding cap for cost awards.
- 3.2. In determining whether a claimant is eligible for consideration for a cost award in a proceeding, the Commission will consider whether the organization:
 - 3.2.1. is directly or sufficiently affected by the Commission’s decision; or
 - 3.2.2. has experience, information, or expertise relevant to a matter before the Commission that contributes to the Commission’s decision-making.
- 3.3. Generally, a claimant in a proceeding meets the eligibility criterion under Section 2.1 for consideration for a cost award where the claimant has demonstrated in its submission that it:

- 3.3.1. is a non-profit or volunteer organization that represents the direct interests of non-commercial ferry users in relation to matters that are regulated by the Commission; and
- 3.3.2. represents a perspective relevant to the Commission's mandate to consider the public interest while balancing the interests of ferry users, taxpayers and the ferry operator and to the proceeding for which cost award is sought.

4. CRITERIA FOR A COST AWARD

4.1. In determining whether a claimant shall be awarded costs for participating in a proceeding, the Commission will consider the following:

4.1.1. Has the claimant's submission contributed to a better understanding by the Commission of the issues in the proceeding? In evaluating whether a claimant has contributed to a better understanding of the issues, the Commission may consider:

- 4.1.1.1. whether the claimant filed evidence satisfactory to the Commission in its submission;
- 4.1.1.2. whether the submission was focused and structured; and
- 4.1.1.3. whether the submission offered a distinct point of view.

This list is not exhaustive or binding and the Commission will consider all factors relevant to a specific proceeding

4.1.2. To what degree will the claimant be affected by the outcome of the proceeding?

4.1.3. Does the claimant's submission include a detailed account of costs incurred in preparing its submission and are the costs incurred by the claimant fair and reasonable?

4.1.4. Specifically, in evaluating whether or not the time expended by a claimant is excessive, the Commission may consider:

- 4.1.4.1. the extent of the claimant's participation, the degree of complexity of the issues to which that participation related, and the amount of documentation involved in the proceeding;
- 4.1.4.2. the duplication of substantive submissions among claimants;
- 4.1.4.3. the experience and expertise of the claimant; and
- 4.1.4.4. the time claimed and awarded in the proceeding or in other similar proceedings.

This list is not exhaustive or binding and the Commission will consider all factors relevant to a specific proceeding. Further, the claimant must identify any financial assistance received from government or other sources for the purpose of participating in proceedings.

4.1.5. Has the claimant joined with other eligible organizations with similar interests to reduce costs?

4.1.6. Has the claimant adhered to the deadline for submissions as set by the Commission? Cost awards will not be considered by the Commission for any submission received after the closing date for public comments.

4.1.7. Any other matters which the Commission determines appropriate in the circumstances.

5. FUNDING CAP

- 5.1. The Commission may establish a funding cap which is the maximum aggregate amount of costs being awarded to an eligible organisation for a proceeding. Any funding cap will be disclosed in a public notice for any proceeding as published by the Commission.

6. DISBURSEMENTS

- 6.1. Out of pocket travel expenses directly related to the claimant's participation in the proceeding may be allowed at the sole discretion of the Commission.
- 6.2. Any travel expenses must be pre-approved by the Commission and must not exceed the rates set out in the Government of British Columbia Group 2 guidelines as per Attachment A. The Commission may update the rate schedule from time to time.

7. TAX COSTS

- 7.1. GST and PST, which cannot be recovered through an Input Tax Credit, will be allowed. Participants seeking an award must confirm in their application for an award that the applied-for taxes cannot be recovered by the participant through an Input Tax Credit.

8. OTHER COSTS

- 8.1. The Commission may award any other costs that the Commission deems as reasonable and justified.

9. MAKING APPLICATION FOR A COST AWARD

- 9.1. To make an application for a cost award, a claimant must file a completed Cost Award Application form as per Attachment B no later than seven (7) days after the closing date for public comments or at such other time as the Commission directs.
- 9.2. The submission and cost award application should be sent to BC Ferry Commission by email to info@bcferrycommission.ca, or via mail to the BC Ferry Commission, PO Box 9279 Stn Prov Gov, Victoria BC, V8W 9J7.
- 9.3. Prior to the Commission making its determination on a cost award, the Commission may request supporting receipts and invoices and require further supporting documents from the claimant, such as additional information about the claimant or sworn affidavits supporting particulars of costs.
- 9.4. The Commission aims to issue final cost awards by order no later than 60 calendar days after the proceeding's final order, decision or report has been issued.

Attachment A – Travel Allowances

Rates effective April 1, 2019

Meal Allowances

Breakfast Only	\$22.00
Lunch Only	\$22.00
Dinner Only	\$22.00
Breakfast & Lunch	\$30.00
Breakfast & Dinner	\$36.50
Lunch & Dinner	\$36.50
Breakfast, Lunch & Dinner	\$49.00

Travel Rates

Vehicle Mileage	\$0.55/km
Airfare	Full Fare Economy

Accommodation Rates

Single Room Rate Only at the Provincial Government Rate	For full list of hotels and rates please see: http://csa.pss.gov.bc.ca/businesstravel To receive the Provincial Government Rate request an approval letter from the BC Ferry Commission
Private Accommodation	\$30.75/night

Attachment B – Cost Award Application Form

Contact info@bcferrycommission.com for a copy of the cost award application form