

Service Plan and Budget for the Fiscal Year Ending March 31 2008

TABLE OF CONTENTS

	Page
1 EXECUTIVE SUMMARY	2
2 ABOUT THE COMMISSION	3
3 ACTIVITY OVERVIEW	4
4 ACTIVITY DETAIL	6
5 EXPENDITURE BUDGET	11



Honourable Kevin Falcon Minister of Transportation Parliament Buildings P.O. Box 9047, Stn Prov Govt Victoria, BC V8W 9E2 Mr. David Hahn President and CEO British Columbia Ferry Services Inc 1112 Fort Street Victoria, BC V8V 4V2

September 21, 2006

Dear Minister Falcon and Mr. Hahn:

BC Ferry Commission Service Plan and Budget Fiscal Year Ending March 31 2008

I am pleased to submit the enclosed document as required by section 59 of the Coastal Ferry Act. The document outlines how the Commission intends to fulfill its mandate in the coming fiscal year, and the associated expenditures.

Yours truly,

Martin Crilly

BC Ferries Commissioner

1 Executive Summary

The post of **British Columbia Ferries Commissioner** was created in April, 2003 by the **Coastal Ferry Act** of the Province of BC. The first commissioner was appointed in August 2003, and the first deputy commissioner in September 2004. Their office is known as the BC Ferry Commission.

The Act obliges the Commission to regulate coastal ferry operations with a timetable stretching several years ahead. Accordingly, this Annual Service Plan and Budget begins with a **long range look** into the future in the form of a six-year activity schedule.

A **Service Plan** for the coming fiscal year then goes on to describe the expected type and intensity of activity of the Commission in meeting its mandate—in regulating ferry fares and service levels, in making certain special decisions, in public outreach and in administration.

The Service Plan is used to project the Commission's costs for the year, summarized in Figure 1. **Total expenditure for fiscal year 2007/8 is budgetted at \$437,000**, including a 5% contingency due to uncertainty in activity level. This total is an estimated 62% of the maximum permitted for the Commission's expenditure budget set out in the Coastal Ferry Act¹.

The budget is similar to that of the previous year. The first budget category (regulation of fares) includes expenditures associated with the four-yearly price cap review. Remaining categories see similar levels of effort to previous years' budgets. The third category (special decisions) will deal with BC Ferries' plan to deploy capital in ships in the current decade, notably for northern routes. The fourth (enforcement), in expectation of compliance by the company, receives only a small allocation of budget.

The fifth and sixth budget categories—publication and outreach, and administration and reporting—are also similar to the previous year's budget, based upon experience with the intensity of correspondence with individual members of the public, and with the effort required to maintain the Commission's website as the main vehicle of publication.

Seven year outlook provided

Service Plan to March 2008

Budget for fiscal 2007/8

Fig. 1: Expenditure Budget Fiscal Year Ending March 31 2008	\$'000
Regulation of Ferry Fares Regulation of Ferry Service Levels Special Decisions	\$ 165 \$ 13 \$ 148
Enforcement Publication and Outreach Administration and Reporting	\$ 2 \$ 33 \$ 55
Contingency 5% Total Expenditure	\$ 21

¹ The Act's Section 59(2) limits the budget to one fifth of one percent (in a year such as FY 2007/8 with activity on price cap review under section 40 of the Act) of BC Ferries' gross tariff revenue for the last fiscal year.

2 About the Commission

Policy Principles for the BC Ferry Commission

Coastal Ferry Act, s 38

- (a) priority is to be placed on the financial sustainability of the ferry operators;
- (b) ferry operators are to be encouraged to adopt a commercial approach to ferry service delivery;
- (c) ferry operators are to be encouraged to seek additional or alternative service providers on designated ferry routes through fair and open competitive processes;
- (d) ferry operators are to be encouraged to minimize expenses without adversely affecting their safe compliance with core ferry services;
- (e) cross subsidization from major routes to other designated ferry routes is (i) to be eliminated within the first performance term of the first Coastal Ferry Services Contract to be entered into under this Act, and (ii) before its elimination, to be minimized;
- (f) the designated ferry routes are to move towards a greater reliance on a user pay system so as to reduce, over time, the service fee contributions by the government.

The **BC Ferry Commission** is a quasi-judicial regulatory agency operating under the Coastal Ferry Act of the Province of British Columbia. While discharging its responsibilities, the Commission is required to bear in mind a set of six policy principles (see box, left).

The "core" ferry services to be regulated by the Commission carry people and vehicles over a designated set of 25 saltwater routes. All are currently served by BC Ferry Services Inc ("BC Ferries") as the ferry operator.

BC Ferries was created in April 2003 from the former BC Ferry Corporation, which was a taxpayer-supported crown corporation. It is now a self-financing company with a mandate to widen travel choices for users and improve service quality.

Under a long-term contract with the Province, BC Ferries must operate its system to comply with defined minimum "core" service levels on each of the 25 routes. On three of them, called "major" routes and regarded as financially self-sufficient, it receives no subsidy. On the other 22, the government pays BC Ferries a "ferry transportation fee" per-round trip sailing for a total maximum fee of \$91.9 million.

BC Ferries currently holds a virtual monopoly position in most of the transportation markets it serves. Given the lack of effective competition, a major role of the Commission is to set a ceiling or "price cap" on the average level of fares which BC Ferries can charge. The goal in setting the price cap is to balance consumer protection with financial sustainability of the ferry operator, while encouraging efficiency.

The routes are divided into seven geographic groups. Each group is to have its own price cap, which is a weighted average of the individual fares within the group. The level is re-set after every fourth year. Each four year² period is termed a "performance period".

Another key task is to monitor the adherence of BC Ferries to the terms of its contract. It is worth noting that the Commission serves as neither ombudsman nor complaints bureau. Further, it is not responsible for regulating safety or environmental aspects of ferry operations.

 $^{^2}$ Except for the first performance period, which is five years long, ending on March 31, 2008.

3 Activity Overview

Activities of the Commission

1. Regulation of Ferry Fares

Determining in detail how to calculate weighted average fares and price caps, making adjustments, and ensuring that actual fares are below the caps.

2. Regulation of Service Levels

Checking BC Ferries delivers its contracted round-trips; handling any applications for service cuts or abandonment of routes.

3. Special Decisions

Determining if certain capital spending is reasonable; deregulating routes where competition is sufficient; review plans to seek alternative service providers for BC Ferries routes.

4. Enforcement

Monitoring BC Ferries public reporting, conducting inspections and making corrective orders.

5. Publication and Outreach

Maintaining own records, publishing decisions, and communicating with the public.

6. Administration and Reporting

Running an office, obtaining support services, research, budgetting and reporting to Lt.-Governor in Council.

The Commission's planned activities fall under six headings shown in the box, left.

The central, ongoing activities fall under headings 1 and 2: the **regulation of fares** through the price cap mechanism, and the **regulation of service levels**.

Some areas (e.g. dealing with applications to cease serving a route altogether) show no planned activity or related expenditure.

Some activities have predictable times (e.g. annual reports). Others respond to applications initiated by BC Ferries for changes in regulated price caps or service levels. These require the Commission to stand ready; the Act generally provides deadlines for the Commission to respond.

There is **uncertainty** in the projected levels of activity, partly because the Commission has only a short history. For instance, how many members of the public approach the commission, and how much the public will initiate queries requiring response, is difficult to predict.

Such uncertainty is addressed through a 5% contingency allowance in the Commission's budget for fiscal 2007/8.

Using these same six headings seen in the box on the left, Overleaf is a timetable of activities in the six year period 2007 through 2012. Activities are also keyed to relevant sections numbers of the Act.

BC Ferry Commission Activity Timetable Through 2012 Calendar Year --> 2007 2008 2009 2010 2011 2012 **Activity Number** Coastal Ferry Act Section Financial Year --> 2007/8 2008/9 2009/10 | 2010/11 2011/12 **Activity Description** 1 2 3 4 1 2 3 4 1 2 3 4 1 2 3 4 1 2 3 4 1 2 3 ("BCF" means BC Ferries or other ferry **Second Performance Term** First Third operator) 1.0 Regulation of Ferry Fares shaded squares indicate activity 1.1 Monitor how weighted average fare is calculated 39 38, 65 1.2 Review BCF quarterly reports on price level 1.3 Handle any BCF applications for extraordinary price increases 42 1.4 Adjust price cap for any service cuts/abandonments 45 1.5 Conduct price cap review for next performance term 40.41 2.0 Regulation of Ferry Service Levels 38.65 2.1 Review BCF quarterly reports on service level 2.2 Review BCF annual reports on service level 38. 66 2.3 Handle any BCF applications for service cuts 43 44, 4.04* 2.4 Handle any BCF applications for route discontinuance, possibly hold hearing 3.0 Special Decisions 3.1 On BCF request, decide if a proposed capital deployment is reasonable 55 3.2 Deregulate a ferry route if competition sufficient 38(4) 3.3 Review BCF Plan to seek alternate service providers 4.0 Enforcement 4.1 Monitor BCF reporting to public 38(2) 4.2 Inspect BCF records as required 46 4.3 Issue orders to BCF re: non-compliance with the law as required 48 5.0 Publication and Outreach 5.1 Maintain Commission records, provide public access 52 52 5.2 Publish decisions/determinations/orders/proceedings 5.3 Communicate with public and stakeholders NA 6.0 Administration and Reporting 6.1 Operate office and engage external support services 36 6.2 Research background to ferry operating environment NA 6.3 Prepare Commission's annual budget 59 6.4 Report annually to Lt-Gov-in-Council

^{*}Refers to Clause 4.04 of the Coastal Ferry Services Contract between BC Ferries and the Province of BC. This permits discontinuance applications only at certain times, as shown.

4 Activity Detail

This section takes the list of the Commission activities and offers a more detailed description. It gives the expected level of activity for the year.

This is the basis for budgetting the Commission's costs in the following Section 5, which develops expenditure budgets.

	Coastal Ferry Act Section	Activity Description	Level and Timing of Activity Anticipated In Fiscal 2007/8							
1.0	Regulation of Ferry Fares									
1.1	39	Monitor how weighted average price is calculated								
		The Commission will monitor the functioning of the Average Fare Model. This was developed in collaboration with BC Ferries in 2003/4 as the key measuring tool for judging whether BC Ferries' weighted average fares are within the price cap established by the Commission. The model requires adjustment and improvement (e.g. for changes in type and quality of source data) and cross-checking from time to time. Where necessary, the operation of the model will be externally validated.	This is an ongoing activity which required the attention of Commission and consultants in concentrated periods. 15 days of Commission time and \$20,000 in consulting fees are budgetted for the year.							
1.2	38,65	Review BCF quarterly reports on price level								
		The Commission will specify contents required in BC Ferries quarterly reports respecting fare levels for each route group. The Commission will determine if the weighted average of the tariffs charged for each route group, as measured using the above Average Price Model are within the price cap established, and if not make appropriate orders.	One review per quarter, requiring two days of Commission time per quarter.							
1.3	42	Handle any BCF applications for extraordinary price increases								
		The Commission will review and consider applications by the ferry operator for extraordinary tariff/price cap increases, for example due to extraordinary increases in the price of fuel.	One extraordinary price increase determination is provided for in FY 2007/8 requiring ten days of Commission time and \$15,000 in advertizing and communications.							

1.4	45	Adjust price cap for any service cuts/route discontinuances							
		The Commission will review service reductions or discontinuance routes for impact on price cap and make appropriate adjustments price cap.		Applications for route discontinuance are allowed from October 2006 under the Coastal Ferry Services Contract between BC Ferries and the Province of BC but none are expected.					
1.5	40,41	Conduct price cap review for next performance term							
		price cap review for second performance term.	ce cap review for the second nance term officially began in FY. This is a substantial effort. No public s are planned but intensified nication with ferry users is expected, budget provides for analytical support adent of BC Ferries' analytical team. 40 Commissioners' time and \$50,000 in ing time are budgetted for this activity 007/8.						
2.0	Regulat	tion of Ferry Service Levels							
2.1	38,65	Review BCF quarterly reports on service level							
		The Commission will specify the format of, and review quarterly of BC Ferries as the ferry operator to determine if it is meeting the contract service requirements.	s as the ferry operator to determine if it is meeting the						
2.2	38,66	Review BCF annual reports on service level							
		The Commission will specify the format of, and review annual re of BC Ferries as the ferry operator to determine if it is meeting the contract service requirements. It will also review BC Ferries' and customer satisfaction survey, which BC Ferries must provide to the Commission under the terms of the Coastal Ferry Services Contractions.	One review of last BC Ferries annual report in July 2007 of two Commission days supported by \$4000 in consultants' time.						
2.3	43	Handle any BCF applications for service cuts							
		Review and consider any applications by the ferry operator for reductions in service (temporary reductions would occur immediately applications).	None are expected.						
2.4	44	Handle any BCF applications for route discontinuance, possibly	hold hear	ing					
		Review and consider any applications by the ferry operator to discontinue a route. After October 2006, route discontinuance applications may be made (the determination process takes 9 more	nths).	Route discontinuance is allowed from October 2006 but no activity is expected.					
3.0	Special	Decisions							

3.1	55	On BCF request, decide if a proposed capital deployment is reasonable								
		If a ferry operator makes an application, the Commissioner will consider a proposed capital deployment or capital expenditures in connection with a route or terminal to determine if they are reasonably required. Consultants of various specialties will be engaged to undertake a "process audit" of the BC Ferries analysis.	Three determinations may be required in fiscal 2007/8 for a total o 30 Commission days and \$75,000 in consultants' fees.							
3.2	38(4)	Deregulate a ferry route if competition sufficient								
		Make a determination of removing the route designation for a route upon which sufficient competition exists so that regulation of that route is no longer necessary. One investigation in FY2007/8 budgetted at 10 Commission days and \$20,000 in consulting fees.								
3.3	69	Review BC Ferries Plan to Seek Alternate Service Providers								
		Monitor the market for ferry services with a view to encouraging competition for BC Ferries; monitor BC Ferries implementation of its Additional and Alternate Service Providers Plan to provide service on BC Ferries designated routes by subcontract, franchise, or other means.	Ten Commission days and \$10,000 in consulting fees are budgetted for this activity.							
4.0	Enforce	ment								
4.1	38(2)	Monitor BCF reporting to public								
		The Commissioner will observe how BC Ferries reports its own performance respecting pricing its fares under the price cap, and respecting its service level actually delivered versus the contracted service levels.	Quarterly observation by Commissioner, to be covered in annual report to the Lt. Governor in Council (see 6.4 below). One Commission day per quarter.							
4.2	46	Inspect BCF records as required								
		Order inspections of the records of the ferry operator as necessary	No activity expected to be necessary.							
4.3	48	Issue orders to BCF re: non-compliance with the law as required								
		Issue orders for non-compliance with the legislation as necessary	No activity expected to be necessary.							
5.0	Publicat	tion and Outreach								
5.1	52	Maintain Commission records, provide public access								
		Files will be maintained accessible to the public under the Freedom of Information and Protection of Privacy Act. Response to public enquiries will be made via telephone, postal mail, e-mail. A web site will be maintained and regularly updated as needed, preferably at least monthly.	Budget is 30 days of Commission time supported by \$5,000 in consulting time for FY 2005/6.							
5.2	52	Publish decisions/determinations/orders/proceedings								

		The Commissioner will publish every decision, determination and order in a manner that the Commissioner believes will bring it to the attention of the public. All such items will be published on the Commission's website, at a minimum.	Three to five official publications expected. How published will depend on the Commissioner's judgment of the groups having most interest in the content.						
5.3	NA	Communicate with public and stakeholders							
		The Commission will actively communicate the role and responsibilities of the Commission to the public; make appearances in the media; make presentations and speeches to stakeholder groups.	Commissioner attending one industry conference per year: two media pieces per year written by Commissioner: one public speech/presentation per quarter by Commissioner.						
6.0	Adm	inistration and Reporting							
6.1	36	Operate office and engage external support services							
		Operate the office of the Commission. Maintain arrangements for telephone, mail and electronic access. Rent office space as required. Office operations (secretarial, phone, courier, post, internet, website) Office equipment dedicated to Commission use. Work with Office of the Attorney General as provider of payment system on behalf of the Commission. Obtain internal bookkeeping, archiving, and legal services as required.	No rental costs expected in the year due to virtual office operation. Accounting and payment system is provided by Office of the Attorney General at no charge to the Commission. A budget of \$15,000 is made for obtaining independent legal advice as required.						
6.2	NA	Research background to ferry operating environment							
		This activity is Commissioner's ferry system familiarization and background study. The Commissioner intends to travel all ferry routes in person. Research and Investigations initiated by Commission.	This activity will be largely study of relevant reports and articles. The Commissioner will ensure familiarity with all ferry routes. Nine days of Commission time is allotted for this activity FY2007/8						
			One special research investigation by consultants is budgetted at \$10,000 in fees.						
6.3	69	Prepare Commission's annual budget							
		Budget will include expenditures reasonably expected to be incurred in the following year, supported by a Service Plan for the year.	Preparation time for the annual Service Plan and Budget will be needed in quarter 2 of each fiscal year. One day allotted for the Service Plan and Budget.						

6.4	53	Report annually to Lieutenant-Governor in Council	
		Within 4 months after the end of each fiscal year, the Commissioner will make a report to the Lieutenant-Governor in Council for the preceding fiscal year, setting out briefly	One report annually within 4 months of the end of the fiscal year requiring two days' work of the Commission.
		(a) all applications and requests for decisions to the commissioner under the Act,	
		(b) all orders issued by the commissioner,	
		(c) the financial statements applicable to the office of the commissioner for that year along with full disclosure of the expenses of, and associated with, the office of the commissioner, and	
		(d) other information the Lieutenant-Governor in Council directs.	

5 Expenditure Budget

The following page provides a detailed expenditure budgets for the fiscal year 2007/8.

For each activity, estimates are made for the fees of the Commissioner(s), staff and consultants, travel and other expenses (e.g. equipment, support services and supplies).

Expenditure Budget for FY2007/8													
al Act n	ity oer					I.a.							
Coastal Ferry Act Section	Activity Number	Activity and Expected Level		_	sioners	Coı	nsultants		Expe			,	TOTAL
O E S	1.0	Regulation of Ferry Fares	Days		Fees*	<u> </u>	Fees		Travel		Other		
39		Monitor how weighted average fare is calculated											
		111 Guide adjustments to Average Price Model	10	\$	5,917	\$	10,000	\$	1,000	\$	-	\$	16,917
38, 65	1.2	112 Validate Average Price Model Review BCF quarterly reports on price level	5	\$	2,958	\$	10,000	\$	1,000	\$	-	\$	13,958
50, 05		121 One review per quarter	8	\$	4,733	\$	-	\$	-	\$	-	\$	4,733
42	1.3	Handle any BCF applications for extraordinary price increases	10	•	5.017	¢.	15.000	¢.		Φ.	15.000	¢.	25.017
45	1.4	131 Allowance for one extraordinary price increase Adjust price cap for any service cuts/abandonments	10	\$	5,917	\$	15,000	\$	-	\$	15,000	\$	35,917
		None are expected	0	\$	-	\$	-	\$	-	\$	-	\$	-
40,41	1.5	Conduct price cap review for next performance term	40	e	22.667	¢	50,000	\$	10.000	¢.	10.000	¢	02.667
		151 Finalize preliminary price caps SUBTOTAL - REGULATION OF FERRY FARES	73	\$ \$	23,667 43,192	<u>\$</u>	50,000 85,000	\$	10,000		10,000 25,000	\$ \$	93,667 165,192
	2.0	Regulation of Ferry Service Levels			ĺ								
38, 65	2.1	Review BCF quarterly reports on service level											
38, 66	2.2	211 One review per quarter Review BCF annual reports on service level	4	\$	2,367	\$	4,000	\$	500	\$	-	\$	6,867
36, 00	2.2	221 One review of FY 2006/7 report in June 2007	2	\$	1,183	\$	4,000	\$	500	\$	-	\$	5,683
43	2.3	Handle any BCF applications for service cuts						_					
44	2.4	231 None are expected Handle any BCF applications for route discontinuance, possibly hold	0 hearing	\$	-	\$	-	\$	-	\$	-	\$	-
	2.1	241 None are expected	0	\$	-	\$	-	\$	-	\$	-	\$	-
		SUBTOTAL - REGULATION OF FERRY SERVICE LEVELS	6	\$	3,550	\$	8,000	\$	1,000	\$	-	\$	12,550
55	3.0	Special Decisions On BCF request, decide if a proposed capital deployment is reasonab	lo.										
33	3.1	311 Three determinations expected required in FY2007/8	30	\$	17,750	\$	75,000	\$	10,000	\$	-	\$	102,750
38(4)	3.2	Deregulate a ferry route if competition sufficient											, i
69	3.3	321 One investigation in FY2007/8 Review BCF Plan to seek alternate service providers	10	\$	5,917	\$	20,000	\$	2,000	\$	-	\$	27,917
09	3.3	331 Monitor implementaiton of BC Ferries "ASP" Plan	10	\$	5,917	\$	10,000	\$	1,000	\$	-	\$	16,917
		SUBTOTAL - SPECIAL DECISIONS	50	\$	29,583	\$	105,000	\$	13,000	\$	-	\$	147,583
20(2)	4.0	Enforcement											
38(2)	4.1	Monitor BCF reporting to public 441 Quarterly observation by Commissioner	4	\$	2,367	\$	-	\$	-	\$	-	\$	2,367
46	4.2	Inspect BCF records as required			_,			Ť				,	_,,
40	4.2	421 No activity expected to be necessary	0	\$	-	\$	-	\$	-	\$	-	\$	-
48	4.3	Issue orders to BCF re: non-compliance with the law as required 431 No activity expected to be necessary	0	\$	-	\$	_	\$	_	\$	-	\$	_
		SUBTOTAL - ENFORCEMENT	4	\$	2,367	\$	-	\$	-	\$	-	\$	2,367
	5.0	Publication and Outreach											
52	5.1	Maintain Commission records, provide public access 511 Ongoing overhead including response to public enquiries	30	\$	17,750	\$	5,000	\$	_	\$	_	\$	22,750
52	5.2	Publish decisions/determinations/orders/proceedings	30	Ψ			3,000	Ψ		Ψ		Ψ	22,730
		521 Three to five official publications expected	5	\$	2,958	\$	-	\$	-	\$	-	\$	2,958
NA	5.3	Communicate with public and stakeholders 531 Commissioner to one industry conference per year	2	\$	1,183	\$	-	\$	1,000	\$	1,000	\$	3,183
		Two media pieces per year written by Commissioner	2	\$	1,183	\$	-	\$	-	\$	-	\$	1,183
		533 One public presentation per quarter by Commissioner	4	\$	2,367		- 5,000	\$	750	\$	1 000	\$	3,117
	6.0	SUBTOTAL - PUBLICATION AND OUTREACH Administration and Reporting	43	\$	25,442	\$	5,000	\$	1,750	\$	1,000	\$	33,192
36		Operate office and engage external support services											
		611 Office equipping and updating software	1	\$	592	\$	-	\$	-	\$	3,000	\$	3,592
		Rent: none expected (virtual office)Office ops (secretarial, phone, courier, post, internet, website)	3	\$	1,775	\$	2,000	\$ \$	-	\$ \$	1,000	\$ \$	- 4,775
		614 Office equipment dedicated to Commission use	0	\$		\$	-	\$	-	\$	5,000	\$	5,000
		Accounting, audit, archiving, and legal advice as required	4	\$	2,367		15,000	\$	1,000	\$	<u>-</u>	\$	18,367
NA	6.2	Research background to ferry operating environment 621 Commissioners' system familiarization and background study	5	\$	2,958	\$	-	\$	4,000	\$	-	\$	6,958
		622 Research and Investigations initiated by Commission	4	\$	2,367		10,000	\$	2,000	\$	-	\$	14,367
59	6.3	Prepare Commission's annual budget	,	6	505	ф		Ф		ф		ф	502
53	6.4	631 Preparation time for next year's annual service plan and budge Report annually to Lt-Gov-in-Council	1	\$	592	\$	-	\$	-	\$	-	\$	592
23	J	One annual report in June 2007 on last year's activities	2	\$	1,183		-	\$	-	\$	-	\$	1,183
		SUBTOTAL - ADMINISTRATION AND REPORTING GRAND TOTAL - ALL ACTIVITIES	20 196	\$	11,833 115,967	<u>\$</u> \$	27,000 230,000	\$ \$	7,000 34,750	\$	9,000 35,000	\$	54,833
		IONAID IOIAL - ALL ACTIVITES	190	Ф	113,90/	Þ	23U,UUU	Ф	24,/30	Φ.	000, cc	Ф	415,717

*Commissioner's daily fee is set by Order In Council at $\$ \$ 675 Deputy Commissioner's daily fee is set by Order in Council at $\$ \$ 425

TOTAL including contingency \$ 436,503

20,785.83 \$ 436.503