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May 3, 2012

Ms. Alanna Gillis
Acting Commission Secretary
British Columbia Utilities Commission
Sixth Floor – 900 Howe Street
Vancouver, BC V6Z 2N3

Dear Ms. Gillis:

**RE: Project No. 3698660
British Columbia Utilities Commission (BCUC)
British Columbia Hydro and Power Authority (BC Hydro)
Generic Cost of Capital Proceeding
Submissions on Minimum Filing Requirements**

By Order No. G-50-12, the BCUC invited comments on the Preliminary Minimum Filing Requirements for Affected Utilities, attached as Appendix B to that order (Minimum Requirements).

BC Hydro is registered as an “Other Utility” in this proceeding, but has an interest in ensuring an efficient and effective proceeding. The suggestions BC Hydro has with regard to the Minimum Requirements are provided to serve that objective.

1. There is some ambiguity in the document with respect to which, if any, of the requirements are mandatory requirements for Affected Utilities. The ambiguity arises from the use of “minimum requirements” in the title, implying mandatory requirements, and a number of other items that imply the list is optional, including the repeated use of the words “requests”, “if applicable”, the “Additional Matters” heading, and the inclusion of documents and information that an Affected Utility can not necessarily be expected to have on hand. The documents and information that an Affected Utility may not have on hand are items 8 to 13 under the “ROE” heading, and items 4 and 5 under the “Capital Structure Matters” heading.

BC Hydro suggests that either (i) the list be made expressly mandatory (“the BCUC directs the Affected Utilities to file the following information, and address the following issues in their evidence...”), and the optional items be deleted, or (ii) the list be made expressly optional for all parties.

2. The document refers to submissions, evidence and information. It might be helpful if the Minimum Requirements made explicit the difference between the two. Both

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evidence and submissions are provided by parties in support of a position, or an order they seek from the BCUC. However, evidence is generally supported by witnesses willing to be cross-examined under oath, whereas submissions are not, and accordingly, and all else being equal, the former is given more weight.

Information, on the other hand, may or may not be provided in support of a position – it may simply be provided pursuant to a BCUC requirement to do so.

Being clear on the distinctions will help manage expectations and avoid unnecessary process.

3. It appears that there may be some overlap between at least one of the Minimum Requirements – “returns on the book value of equity awarded by other Canadian regulators” - and the scope of the BCUC-Consultant Survey. It would seem that to the extent of any overlap between the Minimum Requirements and the Consultant Survey, the former should be expressly made optional. Further, it would be both appropriate and efficient if the BCUC were to put on the record of this proceeding, sooner than later, the specific terms and scope of the Survey.

For further information, please contact Fred James at 604-623-4317 or by e-mail at bchydroregulatorygroup@bchydro.com.

Yours sincerely,



Janet Fraser
Chief Regulatory Officer

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