

**Fasken Martineau DuMoulin LLP\***

Barristers and Solicitors  
Patent and Trade-mark Agents  
550 Burrard Street, Suite 2900  
Vancouver, British Columbia V6C 0A3  
Canada

+1 604 631 3131 General  
+1 604 631 3232 Fax  
1 866 635 3131 Toll-free

[fasken.com](http://fasken.com)



**David Both**

Direct +1 403 261 5507  
Facsimile +1 403 261 5351  
[dboth@fasken.com](mailto:dboth@fasken.com)

January 16, 2017  
File No.: 240148.00782/14797

**VIA E-MAIL**

**Ms. Laurel Ross**

Acting Commission Secretary  
BC Utilities Commission  
6th Floor, 900 Howe Street, Box 250  
Vancouver, BC V6Z 2N3

Dear Ms. Ross:

**Re: SSL-Sustainable Services Ltd. (“SSL”)  
SSL Geothermal System Status as a Public Utility under the *Utilities  
Commission Act*  
Workshop and Procedural Conference on Wednesday, January 18, 2017**

I act for FortisBC Energy Inc. (“FEI”) in this proceeding.

The Commission’s letter of November 28, 2016 established the agenda for the workshop and procedural conference to be held Wednesday, January 18, 2017. The agenda for both the workshop and procedural conference include an opportunity for participants to bring other matters to the Commission’s attention.

In the interest of efficiency, I write to advise of the matters that FEI intends to raise at the workshop and/or procedural conference.

First – FEI considers the Draft Regulatory Timetable to be adequate and appropriate to deal with the issues raised in this proceeding, subject to FEI’s request for the expansion of the information request process to accommodate the issues identified below.

Second – in Exhibit C1-1, the City of Langford states that:

In accordance with the bylaw, the City entered in to a “Partnering Agreement” as defined in the Community Charter with SSL Sustainable Services Ltd. The agreement specifies that during its term, SSL operate both a water and energy system, in accordance with the terms set out in the agreement, and under the Multi-Utility Bylaw.

\*Fasken Martineau DuMoulin LLP includes law corporations.

The services are provided at present within a master planned community, known as Westhills, and the Westhills developer, and its companies, including SSL Sustainable Services Ltd. have built and maintain some ownership of the hard assets making up the distribution systems.

From this FEI understands that SSL is the operator of the water and energy system. However, it appears that another entity (or entities) – the “Westhills developer, and its companies” - may maintain some ownership over the distribution system(s). If this is the case, as owners of facilities that deliver utility service, the question of whether those entities are “public utilities” should apply equally to them as it does to SSL.

Finally - FEI notes SSL’s request in Exhibit B-1 that the Commission direct its inquiries to the City of Langford, instead of, or in addition to SSL. FEI agrees that the City of Langford may be the most appropriate party from which to obtain some of the information relevant to this proceeding.

In light of these issues, FEI intends on requesting that the information request process be expanded to include an opportunity to ask questions of the Westhills developer and the City of Langford. FEI is of the view that this need not result in significant additional procedure or process. Rather, FEI suggests that the developer be invited to participate in this proceeding and that they, along with the City of Langford, be subject to one round of information requests, which could occur concurrently with the information requests to SSL.

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**

*[original signed by]*

David Both

DQB/jdk