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August 3rd, 2017

British Columbia Utilities Commission
Sixth Floor, 900 Howe Street, Box 250
Vancouver, B.C.
V6Z 2N3

Attention: Patrick Wruck, Commission Secretary
Dear Sir:

Re: FortisBC Inc. Application for Reconsideration and Variance of Order G-199-16 FBC Net Metering Program Tariff Update Decision ~ Phase 2 ~ Project No.3698875

Reply on Further Process:

I write in response to oppose FortisBC's specific categorization of all its customers and net metering program enrollees as inappropriate persons to participate in any oral component to this hearing, as stated in its August 3rd, 2017 letter to the Commission with regard reference for a need to strictly follow certain sections of the *Rules of Practice and Procedure* as found at:

http://www.bcuc.com/Documents/Participant-Info/G_1_16_BCUC_Rules_of_Practice_and_Procedure.pdf

In contrast to the position taken and argued by FortisBC, it is believed that sections 72, 75 and 84 of the *Utilities Commission Act* grant the Commission broad powers to organize the manner in which it hears evidence and opinion before making a decision on any matter before it.

Further, sections 4.02 and 4.03 give the Commission power to "*do whatever is appropriate*" and "*waive or modify one or more of its rules in exceptional circumstances*":

4.02 Notwithstanding the procedures provided for in the rules, the Commission may do whatever is appropriate and permitted by law to enable it to effectively and completely adjudicate the matter before it.

4.03 In accordance with the Administrative Tribunals Act , the Commission may waive or modify one or more of its rules in exceptional circumstances.

It is therefore my belief that the Commission may invite before it any person or persons whom it believes will assist it in making a "*decision on the merits and justice of the case*", as per section 75 of the *UCA*.

In May 2016 seven customers of FortisBC, six of whom were net metering customers, asked for an oral portion to the **FortisBC Inc. Net Metering Program Tariff Update Application**

hearing.

These seven people between them have invested more than \$156,000 in capital in order, in part, to meet the requirements of FortisBC's net metering enrollment agreement. They learned for the first time, when FortisBC filed its **Application for Reconsideration and Variance of Order G-199-16, FBC Net Metering Program Tariff Update Decision**, that the Company believed that it had an a priori right to remove or expel customers from their net metering program for consistently producing NEG.

This in my opinion creates an "exceptional circumstance" whereby certain customers who signed written agreements with the Company, to which the Company also signed the same document, should be granted the right to cross examine, make statements, express opinions and ask questions of the Company on its claims and statements made before the Commission in this hearing.

And in this context I reiterate that not everyone who is a customer, enrolled or not in this FortisBC program, feels comfortable and is able to make written representation to the Commission.

Throughout this entire process, over the last year, all I have ever wanted is for the ordinary customers enrolled in this program, who are not schooled in the legal-juridical-technical requirements of these hearings, to be given an opportunity to speak to the Commission on the matters currently before it - matters in which they have as direct an interest as FortisBC in the outcome.

Why, I now ask the Commission to consider, is it not in the public interest to hear from customers who are enrolled in this program, who to date have not signed up to the rigors of the written hearing process because it intimidates them?

Why is FortisBC opposed to its own customers and net metering program enrollees participating in this reconsideration hearing, by whatever means the Commission deems fair and appropriate?

Surely better decisions are made when all of the parties are fully and fairly heard, and when the *Rules of Practice and Procedure* are not proposed to be used to block participation in decision making that will directly affect customer generators after the fact, when they cannot re-direct their original investments.

All of which is respectfully submitted,
Andy Shadrack