



September 26, 2017

Sent via efile

BC HYDRO INQUIRY OF EXPENDITURES
SAP PLATFORM EXHIBIT A-25

To: British Columbia Hydro and Power Authority
Registered Interveners

**Re: British Columbia Hydro and Power Authority
Inquiry of Expenditures related to the adoption of the SAP Platform
British Columbia Utilities Commission Action on Complaint**

In accordance with British Columbia Utilities Commission (Commission) Order G-86-17 and the amended timetable established by Order G-92-17 on June 28, 2017, British Columbia Hydro and Power Authority (BC Hydro) submitted a confidential filing to the Commission in hard copy only. The confidential filing included the 2010 Code of Conduct Complaint (2010 Complaint), approximately 100 documents related to the resolution of the 2010 Complaint, and documents related to a review of the 2010 Complaint which was undertaken by BC Hydro in 2016 (Code of Conduct Filing).

By letter dated July 11, 2017, the Commission raised concerns about BC Hydro's request for full confidentiality and stated that it is considering whether a redacted version of the Code of Conduct Filing should be made public in the proceeding. The Commission therefore suspended the regulatory timetable established by Order G-92-17 and stated that it would come forth with a proposal for what information should be redacted and provide BC Hydro and interveners' legal counsel who have signed the Commission's Confidentiality Declaration and Undertaking Form an opportunity to comment on the Commission's proposal.

The Commission submitted its proposal for redactions on July 26, 2017.

On July 27, 2017, BC Hydro filed a letter with the Commission requesting a one-week extension to provide its response due to key BC Hydro personnel being away for summer vacations. The Commission granted this extension request by letter dated July 31, 2017.

By letter dated August 10, 2017, BC Hydro requested an additional filing extension to September 8, 2017, stating that it has become apparent during BC Hydro's review of the Code of Conduct Filing that, as it will be proposing redactions based on the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), the proposed redactions will be extensive and thus will take longer to fully complete than originally expected. The Commission granted this extension request by letter dated August 14, 2017.

By letter dated September 7, 2017, BC Hydro requested a further extension to September 13, 2017 due to resourcing constraints. The Commission granted BC Hydro's extension request.

On September 6, 2017 and September 8, 2017, the Commercial Energy Consumers Association of British Columbia (CEC) and the British Columbia Old Age Pensioners' Organization, Active Support Against Poverty, Disability Alliance BC, Council of Senior Citizens' Organization of BC, Together Against Poverty Society, and the

Tenant Resource and Advisory Centre (BCOAPO), respectively, filed submissions on the Commission's proposal for redactions.

CEC submitted in its September 6, 2017 letter that it "agrees with and supports the Commission's reasons for the limited redactions" proposed by the Commission on July 26, 2017 and CEC "agrees with the Commission that the BC Hydro proposed redactions are overly broad and are not supported at law or by broad public interest objectives." CEC also raised a concern that BC Hydro's "restrictive approach" to access to the Code of Conduct Filing puts "counsel in the position of taking positions on matters without the ability to seek instruction from clients."

BCOAPO stated in its September 8, 2017 letter that it considers the Commission's proposal for redactions to be "reasonable and appropriate" and it "agree[s] with and endorse[s]" the submissions in CEC's letter, particularly with regard to CEC's statement that "the public interest is best served by ensuring a full open, transparent review, including ensuring relevant evidence relied on by the Commission in its decision making is available to the public."

On September 13, 2017, BC Hydro filed a confidential and a redacted submission with the Commission which provides BC Hydro's proposed redactions to the Code of Conduct Filing (Exhibit B-21). In its cover letter, BC Hydro describes the types of information that it has redacted and submits that the redacted information, in BC Hydro's view, must not be disclosed pursuant to its obligations under FOIPPA in order to protect personal information, including personal information which BC Hydro views would be an "unreasonable invasion of the personal privacy of individuals." With regard to the Commission's proposal for redactions, BC Hydro submits that the Commission's approach is "not appropriate when considering disclosure of personal information protected under the *FOIPPA* or under the *Personal Information Protection Act (PIPA)*."

The Commission considers it appropriate to provide interveners' legal counsel who have signed the Commission's Confidentiality Declaration and Undertaking Form an opportunity to comment on BC Hydro's September 13, 2017 proposal. The deadline to provide comments is Friday, October 20, 2017. BC Hydro may provide a reply submission on or before Friday, November 10, 2017.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

SW/cms