

# William J. Andrews

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April 19, 2018

British Columbia Utilities Commission  
900 Howe Street, Box 250  
Vancouver, BC, V6Z 2N3  
Attn: Patrick Wruck, Commission Secretary  
By Web Posting

Dear Mr. Wruck:

Re: FortisBC Inc. (FBC) 2017 Cost of Service Analysis and Rate Design Application  
BCUC Project No.1598939  
BCSEA-SCBC comments on procedure

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The interveners BC Sustainable Energy Association and Sierra Club BC have the following comments on procedure pursuant to the Commission's April 16, 2018 letter.<sup>1</sup>

### A. Background

On April 10, 2018, FBC requested a two-week extension of the deadline for its responses to information requests.<sup>2</sup> FBC also proposed dates for additional steps in the proceeding. On April 16, 2018, the Commission granted FBC's request to extend FBC's deadline for responses to the first round of IRs to May 8, 2018. In addition, the Commission invited submissions from FBC and interveners on

1. the remainder of the revised regulatory timetable proposed by FBC on page 2 of Exhibit B-5, and
2. a April 10, 2018 request<sup>3</sup> from Kaslo Seniors Community Association Branch #81 (KSCA) to amend the regulatory timetable so that submissions and a decision on further process take place in advance of the deadline for intervener evidence (KSCA Request).

FBC proposes the following steps, in order:

- FBC responses to IR1,
- intervener evidence,
- intervener written submissions on further process,
- FBC written reply on further process,
- information requests on intervener evidence by FBC, BCUC and other interveners,
- PACA budget deadline,
- intervener responses to IRs on intervener evidence,

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<sup>1</sup> Exhibit A-6.

<sup>2</sup> Exhibit B-5.

<sup>3</sup> Exhibit C4-5.

- IR2 by Commission and interveners to FBC if needed,
- FBC rebuttal evidence if needed,
- FBC responses to IR2,
- oral hearing if needed,
- FBC final argument, intervener argument and FBC reply.

For its part, KSCA requests:

- submissions and a Panel decision on procedural steps prior to the deadline for intervener evidence, and
- more time than the 9 days currently scheduled between the receipt of FBC's IR1 responses and the deadline for intervener evidence.

### **B. BCSEA-SCBC Comments**

1. BCSEA-SCBC suggest that the deadline for PACA budgets be moved up so that it occurs prior to the deadline for intervener evidence. The purpose of the staff review letter under the PACA Guidelines is achieved most effectively if interveners are in receipt of the staff review letter before they commit to the development of evidence.
2. In BCSEA-SCBC's view, a second round of IRs to FBC, and FBC's responses, should be included in the schedule (currently IR2 is "if needed").
3. BCSEA-SCBC submit that the deadline for intervener evidence should come after FBC's responses to IR2. Intervenors are entitled to know FBC's case before they file their evidence (if any).
4. Responses to IRs on intervener evidence should come before FBC's deadline for filing rebuttal evidence (if it so chooses).
5. If FBC files rebuttal evidence, then either there should be a round of information requests to FBC on its rebuttal evidence (i.e., IR3 to FBC) or there should be an oral hearing. Not both.
6. The largest procedural question yet to be answered is whether there will be an oral hearing. The immediate question is by what procedure will it be determined if there will be an oral hearing.
  - a. An oral hearing should not be ruled out at this point.
  - b. An approach that might prevent schedule slippage would be to determine tentative dates for two alternatives: (a) an oral hearing, and (b) a final round of IRs followed by an exchange of written arguments.
  - c. BCSEA-SCBC would not oppose a Commission decision at this time simply to include an oral hearing in the schedule. This approach would reduce the expenditure of resources on procedural matters.
  - d. If an oral hearing is scheduled, it is suggested that the form (oral or written) and timing of final argument be determined by the Panel in the course of the oral hearing.

- e. If the Panel wishes to receive input, at a future time, from the parties about whether or not to have an oral hearing, then options for timing would include (a) after the responses to the IRs to interveners who have filed evidence, or (b) after FBC has filed, or elected not to file, rebuttal evidence.
7. BCSEA-SCBC do not consider it necessary to have another procedural decision (after the one that will result from the current input) prior to the deadline for filing intervener evidence.
8. BCSEA-SCBC endorse KSCA's concern that there be sufficient time for interveners to digest FBC's evidence before they file own evidence. Both the current schedule and FBC's proposed schedule have intervener evidence being filed prior to FBC's responses to a second round of IRs (if any). As stated above, BCSEA-SCBC respectfully disagree with requiring interveners to file their evidence before FBC has entered its evidence in chief (i.e., excluding FBC evidence in rebuttal to intervener evidence). If the Commission decides to have intervener evidence filed after FBC's responses to IRs (as BCSEA-SCBC propose), then the lead time for intervener evidence should take into account whether there are two rounds of IRs to FBC or only one round of IRs to FBC. If there is only one round of IRs to FBC, then BCSEA-SCBC would propose three weeks' lead time before the deadline for filing intervener evidence. If there are two rounds of IRs to FBC, then BCSEA-SCBC would be comfortable with two weeks lead time.
9. Regarding available dates, the Commission says in the April 10 letter that "due to limited Commissioner availability in September, an oral hearing (if any) will need to take place in August or delayed until October." For information, BCSEA-SCBC would be unavailable from August 27 to 31, and October 30 to November 15.
10. BCSEA-SCBC suggest the following steps, in order:
  - FBC responses to IR1,
  - PACA budget deadline,
  - IR2 by Commission and interveners to FBC,
  - FBC responses to IR2,
  - intervener evidence,
  - information requests on intervener evidence by FBC, BCUC and other interveners,
  - possible written or oral (procedural conference) submissions re oral hearing,
  - FBC rebuttal evidence, if any (at FBC's discretion)
  - possible written or oral (procedural conference) submissions re oral hearing,
  - either:
    - oral hearing (including provisions for final argument), or,
    - IRs to FBC on rebuttal evidence, FBC responses to IRs on rebuttal evidence, FBC final written argument, intervener final written argument, FBC reply argument.

All the above is respectfully submitted.

Yours truly,  
William J. Andrews

A handwritten signature in black ink, appearing to be 'WJ Andrews', written over a horizontal line.

Barrister & Solicitor