

BRITISH COLUMBIA UTILITIES COMMISSION
IN THE MATTER OF THE UTILITIES COMMISSION ACT
R.S.B.C. 1996, CHAPTER 473

And
An inquiry into the Regulation of
Electric Vehicle Charging Service

VANCOUVER, B.C.
June 27, 2018

Procedural Conference

BEFORE:

D. Morton,	Chair/ Panel Chair
A. Fung, Q.C.,	Commissioner
H. Harowitz,	Commissioner

VOLUME 9

APPEARANCES

P. MILLER	Commission Counsel
J. CHRISTIAN, C. PHILIP,	British Columbia Hydro and Power Authority
D. AUSTIN	Clean Energy Association of British Columbia (CEABC)
M. CHARRON	Drive Energy Inc. (DEI)
D. LI M. HORNE I. NEVILL	City of Vancouver
W. ANDREWS T. HACKNEY	B.C. Sustainable Energy Association and Sierra Club of B.C. (BCSEA)
M. MARYK	Recharged Technologies Inc. (RECHARGED)
J. FISHER	Urban Development Institute
T. AHMED	FortisBC Inc. (FBC) and ForticBC Energy Inc. (FEI)
R. TENNANT	Vanport Sterilizers Inc.
T. ASHLEY	Greenlots
G. GUTHRIE	On his own behalf
S. CRAIG	British Columbia Ministry of Energy, Mines and Petroleum Resources (MEMPR)
T. ALLAN	AddÉnergie Technologies Inc.
L. WORTH	British Columbia Old Age Pensioners' Organizations, Active Support Against Poverty, Disability Alliance B.C., Council of Senior Citizens' Organizations of B.C., Tenants Resource and Advisory Centre and Together Against Poverty Society (BCOAPO)
D. ROGOZA	B.C. Scrap-It Society (BCSIS)
C. WEAVER P. WEAVER D. CRAIG J. RHODES	Commercial Energy Consumers Association of British Columbia (CEC)
M. MANHAS A. SMART S. GOLDBERG	ChargePoint
I. MYRANS	Tesla Motors Canada ULC
F. WEISBERG	Vancouver Electric Vehicle Association (VEVA)
D. LITTLEJOHN J. KEYES	Community Energy Association (CEA)

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VANCOUVER, B.C.

June 27th, 2018

(PROCEEDINGS RESUMED AT 8:06 A.M.)

THE CHAIRPERSON: Please be seated, thank you.

Good morning, ladies and gentlemen. My name is Dave Morton, and with me are Commissioners Anna Fung and Howard Harowitz. We're the Panel that is looking into the electric vehicle charging services inquiry.

Welcome to this morning's proceeding to consider matters related to that inquiry. To date there has been ten community input sessions, intervener evidence filed, and one round of Information Requests on that evidence. So the purpose of this procedural conference is to hear from parties so that the Panel can determine the appropriate regulatory process going forward.

In our letter dated June the 15th, which you can find at Exhibit A-34, we requested submissions on, first, the appropriate scope of the inquiry, and specifically whether the scope of the inquiry as contemplated at the beginning in Exhibit A-1, which was published in January, 2018, whether that scope is sufficient or whether it should be expanded or refined.

Appendix A of the letter, the June 15th

1 letter, included a draft expanded inquiry scope for
2 discussion.

3 Secondly, whether the existing evidentiary
4 record contains adequate information for the Panel's
5 report, given the scope of the inquiry. If so,
6 whether the inquiry should now proceed to final
7 argument, and if not, what is the appropriate further
8 regulatory process to gather more evidence for an
9 adequate evidentiary record.

10 Thirdly, the appropriate timeline of any
11 subsequent process, considering submissions on the
12 first two items.

13 And fourthly, any other matters that
14 interveners wish to present to the Panel for
15 consideration, as long as those matters are restricted
16 to procedural or scoping issues.

17 Recently it was announced that the first
18 hydrogen fueling station has opened in Vancouver. In
19 this proceeding there has been some evidence provided
20 on hydrogen as a source of electrical energy for
21 transportation. The Panel also invites submissions on
22 whether this inquiry should consider this issue, the
23 issue of hydrogen fueling, further in this inquiry.

24 At this stage, I'd like to acknowledge and
25 introduce a number of individuals who play an
26 important role in this inquiry. Seated over on my

1 right, on your left, Leon Cheung is lead staff and
2 with him is Joshua O'Neal and Yolanda Domingo, who is
3 the director of rates and the project manager for this
4 inquiry.

5 Commission counsel for the proceeding is
6 Paul Miller, from Boughton, and our Hearing Officer is
7 Keith Bemister.

8 Before Mr. Miller takes over I'd like to
9 make -- to ask you to please make sure your
10 submissions are directed to the issues I have just
11 outlined and any other issues that are identified by
12 participants and that the Panel accepts as appropriate
13 for addition to the agenda.

14 And please keep in mind that it's not the
15 purpose or goal of this conference to discuss or
16 compare the merits of one regulatory framework or
17 another, but to address the issues that I have just
18 described.

19 **Proceeding Time 8:09 a.m. T02**

20 And I would like to remind us all that
21 there's a lot of people present and presumably a lot
22 of submissions and we are somewhat time limited.
23 There is another proceeding in this room this
24 afternoon. So I will be asking you to try to stay
25 safe and fine to procedural scoping issues only.

26 In the Panel's view the issues are most

1 efficiently canvassed collectively as opposed to issue
2 by issue, and that's the way we'll proceed unless
3 anyone disagrees and proposes any alternative
4 approach.

5 After appearances the orders of submissions
6 will follow the list of intervenors registered on the
7 Commission's website. Once we reach the end of the
8 intervenors, beginning with the last intervener to
9 speak, intervenors will have a right to reply to other
10 intervener's submissions in reverse order.

11 I'm now going to turn things over to Mr.
12 Miller to call for appearances, and I understand, Mr.
13 Miller, we're going to go through the list of all
14 intervenors. So Mr. Miller will be calling for
15 appearances on that basis. When you enter your
16 appearance please state and spell your name for the
17 record, and the party you represent. It's important
18 that you spell your name because the proceeding is
19 being transcribed. And then at that time identify any
20 additional issues that you would like to have
21 addressed at this proceeding. And then also advise
22 whether you are satisfied that we proceed on the basis
23 I outlined. We will just go through the list of
24 intervenors. Everybody should bring up all their
25 issues at the same time.

26 So on that basis, Mr. Miller, please

1 continue.

2 MR. MILLER: Thank you, Mr. Chair. And I'll just
3 explain why we're going to go through all the
4 interveners. Several people indicated that they would
5 be attending by phone, but we're not sure if they
6 actually are on the phone or not, so we want to make
7 an accurate and complete list.

8 The first in the order of appearances is
9 British Columbia Hydro and Power Authority.

10 MR. CHRISTIAN: Good morning, Commission Panel. Jeff
11 Christian, C-H-R-I-S-T-I-A-N, from BC Hydro. With me
12 is Mr. Christopher Philip, P-H-I-L-I-P. He's with BC
13 Hydro's internal legal room. BC Hydro has nothing to
14 add to the agenda, has no comments on it. But we note
15 that Mr. Flintoff provided some submissions in writing
16 in Exhibit C4-10 and we'll be looking for an
17 opportunity to respond to those sometime today.

18 THE CHAIRPERSON: Thank you, Mr. Christian.

19 MR. MILLER: Clean Energy Association of British
20 Columbia.

21 MR. AUSTIN: Good morning, Panel. David Austin, A-U-
22 S-T-I-N, representing the Clean Energy Association of
23 B.C. We have nothing to add to the agenda.

24 THE CHAIRPERSON: Thank you, Mr. Austin.

25 MR. MILLER: The next appearance is by Drive Energy
26 Inc., and they had indicated previously they may be

1 attending by phone. Is there anyone on the phone for
2 Drive Energy Inc.?

3 MR. CHARRON: Yes. Maxime, M-A-X-I-M-E, Charron, C-H-
4 A-R-R-O-N, and we have nothing to add to the agenda.
5 Thank you.

6 THE CHAIRPERSON: Thank you.

7 MR. MILLER: Mr. Flintoff is next on the order of
8 appearances. He also indicated he may be attending by
9 phone?

10 THE CHAIRPERSON: Mr. Flintoff, are you on the
11 telephone? It would appear not, Mr. Miller.

12 MR. MILLER: So no appearance. So the next in the order
13 of appearances is the City of Vancouver.

14 MR. LI: Good morning, Commission Panel. My name is
15 David Li, last name is L-I. I'm here with my
16 colleagues Matt Horne, Matt is M-A-T-T, Horne is H-O-
17 R-N-E and Mr. Ian Nevill. Ian is I-A-N. Nevill is N-
18 E-V-I-L-L.

19 We have nothing to add to the agenda
20 subject to a few refinements to the scope.

21 **Proceeding Time 8:14 a.m. T03**

22 So just spend a few minutes describing at a
23 high level the refinements that we would suggest.

24 THE CHAIRPERSON: Mr. Li, we're just looking -- at this
25 point, we're just looking for your comments on the
26 agenda and the process.

1 MR. LI: Okay.

2 THE CHAIRPERSON: So after we're finished this, we'll
3 start on the submissions on scope.

4 MR. LI: Okay. Thank you.

5 THE CHAIRPERSON: Thank you, sir.

6 MR. MILLER: B.C. Sustainable Energy Association and
7 Sierra Club B.C.

8 MR. ANDREWS: Good morning, members of the Panel.

9 THE CHAIRPERSON: Good morning.

10 MR. ANDREWS: William Andrews, A-N-D-R-E-W-S,
11 representing the B.C. Sustainable Energy Association
12 and the Sierra Club B.C. With me today is Mr. Thomas
13 Hackney, H-A-C-K-N-E-Y, who has arrived from Victoria
14 courtesy of his brand-new electric vehicle.

15 THE CHAIRPERSON: It can swim, can it?

16 MR. ANDREWS: He may be out in the break looking for a
17 charging station.

18 I have nothing to add to the agenda.

19 THE CHAIRPERSON: Thank you, sir.

20 MR. MILLER: The next appearance is by the New Car
21 Dealers of British Columbia. Is there anyone on the
22 phone?

23 THE CHAIRPERSON: New Car Dealers on the phone? No.

24 MR. MILLER: Next on the order of appearances is
25 Recharged Technologies Inc.

26 MR. MARYK: Hi, I'm Morgan Maryk. That's M-O-R-G-A-N, M-

1 A-R-Y-K. And I'm with Recharged Technologies, and we
2 have nothing to add to the agenda.

3 THE CHAIRPERSON: Thank you, sir.

4 MR. MILLER: The next is Urban Development Institute.

5 MR. FISHER: Thank you, Panel. My name is Jeff Fisher.
6 J-E-F-F, F-I-S-H-E-R. And we have a few comments, so
7 there will be a brief submission.

8 THE CHAIRPERSON: Thank you, sir.

9 MR. MILLER: The next appearance is by Wesgroup
10 Properties Limited Partnership. Is there anyone on
11 the phone? No appearance.

12 The next appearance is by Nelson Hydro on
13 behalf of the BCMEU. Looks like no appearance, Mr.
14 Chair.

15 The next in the order of appearances is
16 FortisBC Inc. and FortisBC Energy Inc.

17 MR. AHMED: Good morning, Panel. I appear for the Fortis
18 utilities. My first name is Tariq, T-A-R-I-Q. Last
19 name is Ahmed, A-H-M-E-D. And I have no additional
20 issues.

21 THE CHAIRPERSON: Thank you, sir.

22 MR. MILLER: Next on the order of appearances is Vanport
23 Sterilizers Inc. Is there anyone on the phone?

24 COMMISSIONER HAROWITZ: Behind you.

25 THE CHAIRPERSON: Look behind you.

26 MR. MILLER: Oh.

1 MR. TENNANT: Good morning. Richard Tennant for Vanport
2 Sterilizers, please.

3 THE CHAIRPERSON: Sorry, can you spell your last name,
4 please, sir?

5 MR. TENNANT: T-E-N-N-A-N-T.

6 THE CHAIRPERSON: Thank you, sir.

7 MR. TENNANT: Thank you.

8 MR. MILLER: The next in the order of appearances is
9 Greenlots.

10 MR. ASHLEY: Good morning. Thomas Ashley, A-S-H-L-E-Y,
11 appearing for Greenlots. Nothing to add to the
12 agenda.

13 THE CHAIRPERSON: Thank you, sir.

14 MR. MILLER: The next in the order of appearances is Mr.
15 Guthrie.

16 MR. GUTHRIE: My name is Gary Guthrie, G-A-R-Y, last name
17 Guthrie, G-U-T-H-R-I-E. I'm an EV owner and I guess
18 I'm here representing myself and all the other EV
19 owners.

20 THE CHAIRPERSON: Thank you, Mr. Guthrie.

21 MR. MILLER: The next in the order of appearances is
22 Autochargers.ca. Is there anyone on the phone?

23 The next in the order of appearances is the
24 Fraser Basin Council, Plug In BC.

25 The next in the order of appearances is
26 British Columbia Ministry of Energy, Mines, and

1 Petroleum Resources.

2 MS. CRAIG: It's Shannon Craig, last name is spelled C-R-
3 A-I-G, on behalf of the Ministry. And no issues with
4 the agenda.

5 THE CHAIRPERSON: Thank you, ma'am.

6 MR. MILLER: The next appearance is by AddÉnergie
7 Technologies Inc., and I believe they're on the phone.

8 MR. ALLAN: Yes. Good morning. This is Travis Allan,
9 last name A-L-L-A-N, representing AddÉnergie
10 Technologies Inc. And we have nothing to add to the
11 agenda. Thank you.

12 THE CHAIRPERSON: Thank you, sir.

13 MR. MILLER: The next in the order of appearances is
14 British Columbia Old Age Pensioners' Organization *et*
15 *al.*

16 MS. WORTH: Good morning, Mr. Chair, Members of the
17 Panel. Leigha Worth, W-O-R-T-H, here as counsel for
18 BCOAPO *et al.* I have nothing to add to the agenda and
19 I'm prepared to proceed on the matter that you
20 suggested this morning. Thank you.

21 THE CHAIRPERSON: Thank you, Ms. Worth.

22 MR. MILLER: Mr. Chair, the next in the order of
23 appearances is B.C. Scrap-It Society.

24 MR. ROGOZA: Good morning. My name is Dennis Rogoza,
25 that's D-E-N-N-I-S, R-O-G-O-Z-A. We have nothing more
26 to add to the agenda.

1 THE CHAIRPERSON: Thank you, sir.

2 MR. MILLER: Next in the order of appearances is
3 Brightside Solutions Inc. Is there anyone on the
4 phone? No appearance, Mr. Chair.

5 The next in the order of appearances is
6 Commercial Energy Consumers' Association of British
7 Columbia.

8 MR. WEAVER: Good morning, Mr. Chair and Members of the
9 Panel.

10 THE CHAIRPERSON: Good morning.

11 MR. WEAVER: Chris Weaver, W-E-A-F-E-R, appearing for the
12 Commercial Energy Consumers' Association of British
13 Columbia. Also with me from our firm, Patrick Weaver,
14 an articling student, spelled the same last name, and
15 David Craig, C-R-A-I-G, and Janet Rhodes, R-H-O-D-E-S,
16 representing the Commercial Energy Consumers. We have
17 nothing to add to the agenda.

18 THE CHAIRPERSON: Thank you, sir.

19 MR. WEAVER: Thank you.

20 THE CHAIRPERSON: Thank you.

21 MR. MILLER: The next in the order of appearances is
22 ChargePoint.

23 MR. MANHAS: Good morning. Michael Manhas, M-A-N-H-A-S,
24 on behalf of ChargePoint. With me today are Ann
25 Smart, S-M-A-R-T, ChargePoint's vice president of
26 public policy, and Suzanne Goldberg, G-O-L-D-B-E-R-G,

1 ChargePoint's director of policy.

2 I will be making -- in addition to
3 addressing the Commission's questions, I will be
4 making a brief procedural submission regarding PACA
5 funding as part of my submissions today, but beyond
6 that I'm in the scope.

7 THE CHAIRPERSON: Thank you, sir.

8 MR. MILLER: The next appearance is by the Electrical
9 Contractors' Association of British Columbia. Is
10 there anyone on the phone? No appearance, Mr. Chair.

11 The next appearance is by Tesla Motors
12 Canada ULC.

13 MR. MYRANS: Good morning, my name is Iain Myrans, I-A-I-
14 N, M-Y-R-A-N-S, and we have nothing to add to the
15 agenda today.

16 THE CHAIRPERSON: Thank you, Mr. Myrans.

17 MR. MILLER: Mr. Chair, I believe the next appearance is
18 also by phone. Vancouver Electric Vehicle
19 Association.

20 MR. WEISBERG: Good morning. It's Fred Weisberg, W-E-I-
21 S-B-E-R-G. I'm appearing as counsel for the Vancouver
22 Electric Vehicle Association. I have nothing to add
23 to the agenda, although observe that I'm calling you
24 from Calgary today, where I arrived by hybrid vehicle
25 -- not a full EV due to the dearth of charging
26 stations along the route.

1 THE CHAIRPERSON: Okay. Duly noted, Mr. Weisberg, thank
2 you.

3 MR. MILLER: The next in the order of appearances is
4 Alectra Utilities Inc. Is there anyone on the phone?
5 No appearance, Mr. Chair.

6 The next appearance is by Mr. Mackenzie.
7 Mr. Mackenzie, are you on the phone? No appearance,
8 Mr. Chair.

9 **Proceeding Time 8:23 a.m. T4**

10 The next in the order of appearance is
11 Cypress Power Ltd. No appearance.

12 The next is Community Energy Association.

13 MR. LITTLEJOHN: Dale Littlejohn executive director
14 with Community Energy Association. That's D-A-L-E,
15 last name Littlejohn, kind of like Robin Hood, L-I-T-
16 T-L-E-J-O-H-N, on with my colleague Janice Keyes, K-E-
17 Y-E-S. We have nothing to add to the agenda.

18 THE CHAIRPERSON: Thank you, Mr. Littlejohn.

19 MR. MILLER: Mr. Chair, the last in the order of
20 appearances is Victoria Electric Vehicle Association.
21 Is there anyone on the phone?

22 That concludes the order of appearances,
23 Mr. Chair.

24 THE CHAIRPERSON: Thank you, Mr. Miller.

25 Okay, Mr. Christian, are you all ready to
26 go?

1 **SUBMISSIONS BY MR. CHRISTIAN:**

2 MR. CHRISTIAN: Yes, Mr. Chairman, thank you. So with
3 respect to the first agenda item, the appropriate
4 scope of the moderated question is, the scope of the
5 inquiry as contemplated in Exhibit A-1, is sufficient
6 or should be expanded, and Appendix A includes a draft
7 expanded inquiry scope for discussion.

8 BC Hydro is mindful of the comments of the
9 Commission in the paragraph immediately preceding the
10 question to -- was as follows: the content in
11 Appendix A, that's of Exhibit A-34, is not intended in
12 any way to constrain intervenors views with respect to
13 the scope of the inquiry or nature of the regulatory
14 process. And we think that's an appropriate cavate to
15 put onto what would be a potentially lengthier
16 discussion about scope. We think that the list of
17 scope items identified is extensive, it covers off the
18 issues that are likely to be of interest to the
19 Commission Panel. We don't propose to strike any of
20 them, we don't think that any need to be added,
21 particularly in light of the Commission's words that I
22 just recited.

23 I would say that we would expect that not
24 all parties are going to be addressing all issues, and
25 that I hope is self-evident, but we just want to make
26 that kind of clear for the record.

1 And other than that we're content with the
2 scope as it is.

3 THE CHAIRPERSON: Excuse me Mr. Christian, so when you
4 say, "the scope as it is", are you talking about the
5 scope as laid out in Exhibit A-1 in January or are you
6 talking about the scope that was identified in the
7 letter on June 15th?

8 MR. CHRISTIAN: We are content with the additional
9 scope items added to the exhibit -- or added through
10 Exhibit A-34.

11 THE CHAIRPERSON: Okay, thank you.

12 MR. CHRISTIAN: Mr. Commissioner/Chair, you also asked
13 about hydrogen fueling and whether that should be
14 within the scope of this proceeding, and in effect it
15 already is. There was a number of IR asked about it
16 and we're content for parties when they're dealing
17 with issues in final argument if they feel the need to
18 address that, they can address hydrogen fueling issues
19 as they've been raised already.

20 Do you wish me to speak now to the second
21 questions as well or are we going to go through all
22 the items?

23 THE CHAIRPERSON: Yes, please.

24 MR. CHRISTIAN: So, with respect to the second
25 question, whether or not the evidentiary record is
26 adequate to move to final argument, in BC Hydro's

1 submission it is. There's been extensive submissions
2 filed by all parties, significant amount of evidence
3 filed through information request responses. And BC
4 Hydro is content to proceed to final argument on that
5 basis.

6 And those are my submissions subject to any
7 questions.

8 THE CHAIRPERSON: Do you have any submissions on
9 timeline for final argument?

10 MR. CHRISTIAN: Timeline, thank you for reminding me.
11 Normally we would think something like this would take
12 four weeks probably from the date of the Commission
13 Order. We're cognizant of the fact that summer
14 holidays schedules might make it difficult. And
15 because the proceeding is somewhat wide ranging, it's
16 not focused in terms of specific orders that an
17 applicant is asking for, which is maybe a more
18 difficult type of proceeding, we think a bit more time
19 might be necessary.

20 So we're looking at a date sometime in the
21 end of August or first week of September for final
22 argument. We don't have a specific date in mind, but
23 we think six weeks kind of from the date of an order
24 is going to be a minimum necessary for people to put
25 their submissions together. Again, in light of the
26 scope of evidence that's already been filed and in

1 light of holiday schedules over the summertime.

2 **Proceeding Time 8:23 a.m. T05**

3 THE CHAIRPERSON: And would you say everyone has an
4 opportunity to do final argument, and then everyone
5 has an opportunity to do a reply?

6 MR. CHRISTIAN: I think the normal course as you
7 describe would be appropriate.

8 THE CHAIRPERSON: Okay, thank you, sir.

9 Mr. Austin.

10 **SUBMISSIONS BY MR. AUSTIN:**

11 MR. AUSTIN: Apparently Mr. Miller doesn't want to let
12 me speak this morning.

13 Clean Energy Association of B.C.'s position
14 on the scope is it's fine as set out in Exhibit A-34,
15 Appendix A. The scope is broad enough to cover the
16 inclusion of hydrogen. The evidentiary record is
17 adequate to move directly to argument and as Mr.
18 Christian just said, should be argument followed by
19 right of reply for everyone.

20 And there is no need to gather any
21 additional evidence. The record is broad enough.

22 I've nothing further to add.

23 THE CHAIRPERSON: Thank you.

24 COMMISSIONER FUNG: Do you have any suggestions on
25 timing, or are you content with Mr. Christian's
26 proposal?

1 MR. AUSTIN: I think Mr. Christian's proposal would be
2 something that's practical given that a lot of people
3 are away on summer holidays and the evidentiary record
4 is quite substantive, so it's going to take a while to
5 sort through that and put something together that's
6 cogent.

7 COMMISSIONER FUNG: Thank you.

8 MR. AUSTIN: You're welcome.

9 THE CHAIRPERSON: Thank you, sir.

10 MR. MILLER: Mr. Chair, I believe Mr. Christian has one
11 item he wishes to address as well.

12 THE CHAIRPERSON: Mr. Christian?

13 MR. CHRISTIAN: My apologies. This is a bit irregular.
14 I was speaking to my client and missed the fact that
15 Mr. Flintoff didn't enter an appearance, so I thought
16 I would have a respond to his submission if he made it
17 again orally, but he isn't here.

18 THE CHAIRPERSON: Okay, please go ahead.

19 **SUBMISSIONS BY MR. CHRISTIAN (Continued):**

20 MR. CHRISTIAN: Mr. Flintoff proposed in C4-10 that the
21 Commission address, as a preliminary matter, issues
22 arising from the greenhouse gas reduction regulation,
23 and in BC Hydro's submission, it's not helpful, plus
24 inappropriate to try and deal with those matters
25 separately. We would suggest that the questions are
26 not particularly well framed, but more importantly,

1 the idea of dealing with legal issues before final
2 argument seems a bit contra-productive. The idea of
3 argument, of course, is to address, in part at least,
4 legal issues.

5 And so we'd suggest that his proposal that
6 there be a preliminary consideration of those issues
7 that he raises by the Commission panel prior to final
8 argument, that that proposal should be rejected.

9 THE CHAIRPERSON: Thank you, sir. Mr. Austin, did you
10 want an opportunity to respond to that?

11 Okay, thank you. Okay, Drive Energy, on
12 the phone. Drive Energy?

13 MR. CHARRON: Yes.

14 THE CHAIRPERSON: Did you have a submission you'd like
15 to make.

16 MR. CHARRON: No, not at this, thank you.

17 THE CHAIRPERSON: Thank you. Mr. Flintoff, I assume
18 you're still not on the phone.

19 City of Vancouver?

20 **SUBMISSIONS BY MR. LI:**

21 MR. LI: Commission Panel, I'll just walk through -- on
22 behalf of the City of Vancouver I'll just walk through
23 our responses to the first three questions.

24 On the scope question, we agree that the
25 current scope, as set out in the June 15th letter,
26 Appendix A, is sufficient subject to some suggestions

1 to refinements that I'll describe later.

2 On the question of whether the evidentiary
3 record is adequate our answer is yes.

4 **Proceeding Time 8:31 a.m. T06**

5 On the question of whether we should
6 proceed to final argument, our answer is yes.

7 And then on the question of timeline, I
8 agree with my friend Mr. Christian, although I would
9 suggest that if we are -- if the Commission Panel is
10 to take into consideration the summer holiday period,
11 rather than impose a deadline at the end of August,
12 why not add another week or two so that it's middle of
13 September, just to give everybody a bit more of a
14 cushion.

15 And then finally, in respect of refinements
16 to the scope that the City of Vancouver would suggest,
17 on the first point in Section 1 of the Commission
18 Panel's June 15th letter, with respect to the framework
19 for the regulatory regime, we would suggest that that
20 framework, in addition to what's set out, also
21 consider the following:

22 Number 1, a framework that aligns with and
23 supports the various Province of B.C.'s GHG reduction
24 policies.

25 Number 2, a framework that also considers
26 the different levels of demand for EV charging. For

1 example, in rural or remote areas where the demand is
2 lower; in suburban areas where the demand may be
3 different than remote or urban areas; and then finally
4 in urban or high density areas where the demand is
5 presently the highest.

6 Next, a framework that also considers the
7 different delivery models of EV charging service. For
8 example, the various models of utility investment as
9 considered in the article by the Georgetown Climate
10 Centre Report, as well as the M.J. Bradley and
11 Associates.

12 Also please consider a delivery model where
13 the different aspects of EV charging service may be
14 assumed by different parties. For example, the supply
15 of the charging equipment, the host or the branding or
16 the provider of the chartering service, the back of
17 house network operator, the supplier of the
18 electricity, and then finally, the provider of the
19 land. We believe that in some cases the roles assumed
20 with respect to each of those aspects could be assumed
21 by different parties.

22 And then finally a framework that also
23 considers different categories of charging services.
24 You've certainly listed a number of them in the June
25 15th letter. We would suggest that you also consider
26 workplace charging, charging for fleet operations.

1 For example, public transit fleets or commercial
2 operation fleets, delivery vehicles, trucks.

3 And then finally, EV charging services for
4 low income users or low income communities.

5 The next suggestion that we have is perhaps
6 a middle ground between regulation and no regulation.
7 In accordance with our submissions to the Commission
8 Panel, we have suggested that the regulatory framework
9 should adjust or be adapted to the different types of
10 EV charging services. For example, where there are
11 competitive choices but some of those choices may be
12 constrained or limited, we would suggest a lighter
13 touch to regulation.

14 **Proceeding Time 8:36 a.m. T7**

15 Perhaps guidelines. We think the guidelines on, for
16 example, terms of service or rates might enable
17 operators more flexibility in running their business
18 or determining those factors that are optimal to their
19 business.

20 Guidelines could also we used as a way to
21 perhaps lessen the number of complaints and also
22 lessen the burden on the Commission in resolving those
23 complaints or disputes. For example, if the
24 Commission were to set certain rate guidelines of --

25 THE CHAIRPERSON: Mr. Li? I think we're straying from
26 the scope of what the subjects might be to actually

1 recommendations within those. So if we can stay with
2 the scoping, I think that would be helpful.

3 MR. LI: Okay, thank you. So I'll just recap that those
4 are the City of Vancouver's suggestions as to
5 refinements to the scope.

6 The next point is regarding the scope of
7 operators. In your June 15th letter it appears that
8 you identify public utilities on one hand and private
9 companies on the other. And whereas we agree that
10 private companies would make up a significant portion
11 of the non-utility players in the market, we also
12 agree that there may be a range of other participants
13 that are non-utilities that will also -- could also
14 play a significant role. For example, municipalities
15 and other governmental bodies, governmental agencies,
16 not-for-profits, or social enterprises.

17 So those are my submissions. My colleague,
18 Iain Nevill, is going to speak to the question of
19 whether hydrogen vehicles should be within the scope.

20 **SUBMISSIONS BY MR. NEVILL:**

21 MR. NEVILL: Thank you. Good morning. So our submission
22 is that hydrogen fuelling stations should not be
23 included in the scope. Despite the fact that they are
24 technically electric vehicles, the fuel itself is
25 delivered differently. The business model --

26 THE CHAIRPERSON: The fuel is what?

1 MR. NEVILL: Is delivered differently. It's a different
2 business model and the market conditions are more
3 consistent with liquid fueling, you know, petroleum
4 gas stations. So the market conditions really don't
5 seem like something that the Commission would
6 necessarily regulate.

7 Further, other -- or public utilities do
8 not have the same level of incumbency that could
9 affect market conditions and, therefore, this doesn't
10 seem to be something of interest to the Commission.

11 THE CHAIRPERSON: Thank you, sir.

12 MR. LI: Those are all our submissions.

13 THE CHAIRPERSON: You have no submissions on the
14 evidentiary record, whether it's complete or not, if
15 further process is required and on final -- whether
16 final submissions -- we should move to final
17 submissions or a timetable?

18 MR. LI: We agree that the evidentiary record is
19 complete.

20 THE CHAIRPERSON: Yeah.

21 MR. LI: And we agree as to the process that's been --
22 that you've articulate, which is proceeding
23 immediately to final argument with -- as per the
24 normal course with an opportunity for information
25 requests.

26 THE CHAIRPERSON: Okay. Thank you.

1 MR. LI: Thank you.

2 THE CHAIRPERSON: Recharge Technologies.

3 COMMISSIONER FUNG: No.

4 COMMISSIONER HAROWITZ: No, BCSEA.

5 COMMISSIONER FUNG: No, BCSEA.

6 THE CHAIRPERSON: My apologies, I got out of order,
7 sorry.

8 COMMISSIONER FUNG: Mr. Andrews.

9 THE CHAIRPERSON: Mr. Andrews.

10 **SUBMISSIONS BY MR. ANDREWS:**

11 MR. ANDREWS: The B.C. Sustainable Energy Association and
12 the Sierra Club commend the Commission for taking the
13 initiative to launch this inquiry into EV charging.
14 They have learned a lot from the submissions made by
15 the wide range of other participants in the inquiry.

16 I'll begin by noting, as has been mentioned
17 before, that this is a procedural conference and the
18 general rule is not to be addressing the arguments in
19 terms of desired outcome, but the topics and the ways
20 that the proceeding will address them.

21 **Proceeding Time 8:40 a.m. T08**

22 In terms of scope, for which I'll begin
23 with, BCSEA and Sierra Club's recommendation is that
24 the time has come for the inquiry's procedures to be
25 aimed at consolidating the gains in the inquiry. So,
26 generally speaking, I'm referring to reaching

1 conclusions, making decisions, getting specific
2 regulatory outcomes, either achieved or underway. And
3 that these be focused on the top-priority topics,
4 based as much as possible on information that's
5 already on the record.

6 Further, that the focus be on outcomes
7 sooner rather than later, and noting that there will
8 be other Commission proceedings on topics that are --
9 that have arisen. And also processes by bodies other
10 than the Utilities Commission addressing matters that
11 have arisen.

12 So the general approach is not one of
13 attempting to broaden the inquiry at this point, or to
14 follow up on interesting and even important points
15 that aren't essential for resolving the basic issues.
16 And it's certainly not, in my client's submission,
17 desirable to try to identify and resolve all of the
18 recharging issues. There should be a focus.

19 So, just trying to describe the areas of
20 issue that have emerged. In my submission there are
21 three basic issues. The first one is electric vehicle
22 charging services provided by entities that make them
23 "public utilities", where they would not otherwise be
24 a public utility under the *Utilities Commission Act*.
25 For those who deal with the *Utilities Commission Act*
26 and the definition of "public utilities" daily, this

1 is a very comfortable concept that an entity,
2 regardless of its status, either is or is not a public
3 utility according to the definition in the Act. And
4 exactly how that gets determined on a case-by-case
5 basis is something that the Commission makes decisions
6 on.

7 So, of the entities that provide EV
8 charging service, those that are within the definition
9 of "public utilities" and not excluded by the same
10 definition, such as municipalities, they are the
11 entities that would be the subject of -- should the
12 Commission regulate them, and --

13 THE CHAIRPERSON: Mr. Andrews -- Mr. Andrews -- I think
14 you're making an argument here.

15 MR. ANDREWS: Oh, I'm not trying to. I'm trying to lay
16 the -- okay.

17 THE CHAIRPERSON: So what is the scoping item that this
18 is related to?

19 MR. ANDREWS: I'm trying -- what I'm getting at is that
20 there are three areas that come up that are of prime
21 importance for the Commission. One is whether and how
22 to regulate EV charging services that are "public
23 utilities" under the Act.

24 The second is the role of BC Hydro and
25 FortisBC in providing electric vehicle charging
26 services.

1 THE CHAIRPERSON: So are those your suggested scoping
2 items? Those two points?

3 MR. ANDREWS: I'm suggesting that those -- that that's a
4 way of categorizing two of the three general topics
5 that are already within both the original scope and
6 the A-34 list of topics. Perhaps what I'm saying is
7 that the way that the issues are categorized in both
8 instances to me can be simplified, and that's what I'm
9 trying to do. And I'm going to move to the items that
10 I think fall within that, and those that don't.

11 THE CHAIRPERSON: Okay.

12 **Proceeding Time 8:45 a.m. T9**

13 MR. ANDREWS: So, a third general type of issue, and to
14 be clear on, not proposing that this is something that
15 the inquiry should delve into, is the BC Hydro and
16 FortisBC rates schedules under which they provide
17 power to the entities that provide the charging
18 services to the end user, EV driver. And that would
19 include both entities that are public utilities and
20 entities that are not public utilities.

21 So, the -- there is an additional issue
22 that doesn't come out clearly in either of the
23 original scope lists or the A-34 list. And although
24 it's implicit, which is the definition of public
25 utility and the question of whether an entity in a
26 particular situation is or is not a public utility

1 under the *Utilities Commission Act*.

2 Now, with BC Hydro and FortisBC that's
3 clear, and in some cases it's clear that an entity
4 such as a municipality providing you charging services
5 is not a public utility under the Act, but there's as
6 huge range of other situations in which it isn't
7 clear. And so far the analysis has been on the basis
8 of an assumption that the discussion, whether and how
9 to regulate, is if the services are provided by a
10 public utility. In the real world that question is
11 subject to considerable uncertainty. For example,
12 whether shopping malls and multiple unit residential
13 buildings and so on are or are not public utilities.

14 But I note that that is a different issue
15 than whether and how the Commission should regulate a
16 public utility once it's been determined that an
17 entity is a public utility in the provision of that
18 service. And I'll just briefly refer you to the
19 Commission's recent decision in the *SSL Langford* case
20 where there was an issue of whether a provision of
21 district energy service was being conduct by or on by
22 half of a municipality as distinct from -- by the
23 operator of the service. Because if it had been by a
24 municipality then it would have been excluded. And
25 the Commission concluded that that particular service
26 was not provided by the municipality and significantly

1 it also concluded that the analysis as to whether the
2 service was within the definition of public utility as
3 a statutory interpretation issue that is not informed
4 by the public policy objectives of whether it ought to
5 be regulated and if so how. And I'll just leave it at
6 that.

7 In terms of issues that BCSEA and the
8 Sierra Club say should not be in scope, or if they are
9 in the scope not be the focus going forward, is,
10 number one, whether BC Hydro and FortisBC should
11 propose new rate schedules for home electric vehicle
12 charging. Number two, whether BC Hydro and FortisBC
13 should propose new rate schedules for the sale of
14 power to providers of EV charging services. Number
15 three, the degree to which EV load will affect the
16 grid and if so what to do about it. Four, the topic
17 of whether EV charging services should be subsidised
18 and if so by whom? Beyond, as that topic arises in
19 relation to BC Hydro and FortisBC. Connectivity
20 issues to do with hardware and software
21 standardization network management payment systems and
22 so on.

23 And number six in my list, the terms and
24 conditions of BC Hydro and FortisBC's rate schedules
25 regarding the reselling of electricity, in my
26 submission that's a topic that would come out of the

1 results of this inquiry.

2 **Proceeding Time 8:49 a.m. T10**

3 For all of these points I want to be clear
4 that I'm not at all saying these aren't important.
5 They are very important, but if you ask whether the
6 record is sufficient to provide decisions on these
7 topics, I'm suggesting that the answer is no, and that
8 the focus should be on dealing with the issues where
9 there is sufficient evidence to move things forward on
10 EV charging.

11 So with specific reference to the A-34 list
12 of items, the ones that I'm suggesting would not be
13 included as a focus would be item 12, the effective EV
14 load on the grid; item 13, stranded asset risk for EV
15 charging station investments except to the extent that
16 that relates to FortisBC and BC Hydro involvement in
17 EV charging; item 18, the subsidies which I've already
18 discussed; and item 20, the standardized hardware and
19 software issues.

20 So my answer in summary on question 1 is
21 that the basic scope of the inquiry is sufficient. It
22 does not need to be expanded. Going forward, my
23 submission is that the inquiry should aim to bring
24 closure on the top priority issues that have already
25 been identified and on which sufficient information
26 has been provided.

1 Question 2, whether the evidentiary record
2 contains adequate information for the balance of the
3 report given the scope of the inquiry. My response is
4 yes for the priority issues that I've focussed on, but
5 I do question whether for many of the other issues,
6 which are very important in their own right, it can be
7 said that the Commission has a full evidentiary
8 record.

9 Should the inquiry now proceed to final
10 argument, my answer is yes, and that goes back to I
11 think that if the Commission is going to include these
12 other -- these issues that I've suggested don't have
13 sufficient evidence, then there would be a requirement
14 for more evidence and more process associated with
15 those topics.

16 To this point the inquiry process has been
17 very efficient and effective, and it's important, in
18 my submission, to carry that on and produce tangible
19 results sooner rather than later.

20 One thing that would be helpful is for the
21 Panel to identify the particular points on which it
22 feels it would benefit from input from the parties.
23 That will really help the parties focus, given the
24 wide range of issues and angles that have been raised.

25 2B is if the record is not sufficiently
26 full, what further process? In that alternative, my

1 submission is that the topic should be defined for new
2 information as narrowly as possible; that a deadline
3 for submissions be limited to the topic that's
4 identified and not reopen the other topics; that
5 consideration be given to not having a round of
6 information requests following that evidence. I say
7 "consideration of", I'm not saying definitely. And
8 that the concept be to go straight to written final
9 arguments after the receipt of any new evidence.

10 In terms of the appropriate timeframe for
11 the process, my submission is that the regulatory
12 timeframe going forward should be brisk. It should
13 also take into account that many of the participants
14 may need longer to prepare their final submissions
15 than would be the case for regular interveners at the
16 Utilities Commission. That said, in my client's
17 submission, these matters are urgent and the mere
18 issuance of the Commission decision will not result in
19 the final impact on the ground. There's a lot of work
20 yet to be done, and our submission is that the
21 Commission ought to press forward as quickly as is
22 reasonable under the circumstances.

23 **Proceeding Time 8:54 a.m. T11**

24 And so in that context I would support Mr.
25 Christian's suggestion of six weeks between the
26 Commission's procedural decision and final argument,

1 if there is to be no further information provided on
2 the record, but not a suggestion to defer into the
3 fall.

4 THE CHAIRPERSON: Mr. Andrews?

5 MR. ANDREWS: Yes.

6 THE CHAIRPERSON: You used the word "urgent". Can you
7 provide some evidence, or some reason that this would
8 be considered urgent? Is there some event, or some --

9 MR. ANDREWS: No, I'm not referring to a specific event.
10 What I'm referring to is the uncertainty in the
11 marketplace about whether EV charging services by
12 entities other than Hydro and FortisBC are regulated
13 by the Commission, and if so, to what extent. And so,
14 there will be many potential providers of EV charging
15 services who will be looking for an answer to that
16 question before they're willing to make investment
17 decisions about EV charging services. And as long as
18 the prospect is there, that they could theoretically
19 end up being fully regulated as to rates and cost of
20 service and so on, that will weigh on investment
21 decisions.

22 I'm not suggesting that there's either a
23 specific time frame or urgency in the sense that there
24 is, you know, crucial problems. But it's an important
25 issue, and the sooner it gets resolved, the better.

26 THE CHAIRPERSON: Okay.

1 MR. ANDREWS: And part of what I have in mind is that
2 during the experience that we had with the thermal
3 energy service inquiry is that, if one of the outcomes
4 is to be recommendations to the Minister as to
5 exemptions from Part 3 of the *Utilities Commission*
6 *Act*, and either in whole or in part, that's a process
7 that itself takes some number of months. And so what
8 my clients are emphasizing is to get that ball
9 rolling, if that's where the Commission is going to
10 end up.

11 THE CHAIRPERSON: There is no specific investment
12 decision that you --

13 MR. ANDREWS: Not that I'm aware of, or that I'm citing.

14 THE CHAIRPERSON: Okay, thank you.

15 MR. ANDREWS: I also specifically support the suggestion
16 that there be a second deadline for submissions, to
17 allow participants to respond to the submissions that
18 have been made in the first instance by the other
19 participants.

20 I take no position on whether hydrogen
21 ought to be included in the scope of the inquiry.

22 And subject to any questions, those are my
23 submissions.

24 THE CHAIRPERSON: Thank you, sir.

25 Okay. Sorry about -- now we're ready.

26 **SUBMISSIONS BY MR. MARYK:**

1 MR. MARYK: Thank you very much. I actually concur with
2 a lot of Mr. Andrews' comments. There was a lot of
3 value that he brought to this conversation, and I have
4 nothing further to add.

5 THE CHAIRPERSON: Okay, thank you, sir.

6 MR. MARYK: Thank you.

7 COMMISSIONER FUNG: Thank you.

8 THE CHAIRPERSON: Mr. Fisher?

9 **SUBMISSIONS BY MR. FISHER:**

10 MR. FISHER: We'd like to thank the BCUC for moving
11 forward with this inquiry on electric vehicle charging
12 services. The inquiry is important to our membership,
13 as we are increasingly installing these services in
14 our projects across the province.

15 We have a few recommendations regarding the
16 scope, minor ones, and a suggestion regarding the
17 regulatory process.

18 We are pleased the BCUC is reviewing the
19 issue of exemptions under the *Utilities Commission Act*
20 which would allow flexibility with regard to the
21 reselling of electricity. We hope this will be a
22 broad review. Our members either voluntarily or
23 through municipal mandates installing EV charging in
24 their buildings, There are capital costs associated
25 with that, and currently they're being passed on to
26 buyers or renters.

Proceeding Time 8:59 a.m. T12

1
2 Beyond the issue of reselling electricity,
3 UDI hopes that some of the capital costs would be
4 recovered over time from the users of the
5 infrastructure. In addition, there are administrative
6 costs, and we would want to discuss the potential of
7 ensuring there's a reasonable return for those
8 involved in some of the investments in EVC
9 infrastructure.

10 Our membership is broad. Some of our
11 members may want to get into this business, but most
12 are going to be quite happy to hand it off to a third
13 party. So from our perspective, we want to ensure
14 that with regard to this issue of reselling
15 electricity and all these other costs, that the
16 inquiry is broad enough to cover those points.

17 In addition to this, under item 12 in
18 appendix of the Exhibit 34A, it's recommended that the
19 scope of the inquiry include the degree to which the
20 EV load would affect electricity grid stability, load
21 shaping and/or generation transmission and
22 distribution capacity. We obviously concur with that,
23 but it's not clear what the next steps would be if you
24 do find that there's an impact on these elements of
25 the electricity system. So we ask maybe that that
26 might be clarified, and if there are impacts, we hope

1 obviously that BCUC in this process can address them.

2 Under item 14 in the Appendix, it's noted
3 the inquiry would review the degree to which the *Clean*
4 *Energy Act, Greenhouse Gas Reduction Clean Energy*
5 *Regulation*, and other government policies would guide
6 public utilities' investments in EV charging
7 infrastructure. We ask that other government policies
8 might include some of the issues that we're
9 experiencing at the federal level and with
10 municipalities. Even if the BCU does not have
11 jurisdiction in these areas, at the very least, the
12 impact of these policies could be assessed and further
13 recommendations might be made to these other
14 governments.

15 We do not wish to exclude any of the items
16 listed under Exhibit 34. However, we do note that
17 under item 5 regarding the type and level of
18 information, that the BCUC would monitor related to
19 the EV market, obviously as technology changes and the
20 market changes, this is probably an issue you're going
21 to be revisiting in future reviews and inquiries.

22 With regard to item 20, which is about the
23 issue of standardization of hardware and software, we
24 would just ask that the BCUC be careful to ensure that
25 emerging technologies are not restricted in British
26 Columbia.

1 Finally, in terms of process, we have one
2 suggestion. We note that when the Commission reviewed
3 smaller district energy systems a few years ago there
4 was an opportunity for stakeholders to meet in a
5 workshop format. We found the discussion very
6 positive and productive, and believe the EV charging
7 inquiry would benefit from a similar approach, at
8 least for some of the issues. And I'll talk about
9 ours, which is with regard to the issue of EVC
10 services being installed in new developments and some
11 of the issues that arise there.

12 Thanks very much.

13 THE CHAIRPERSON: I wonder if you could just expand a
14 little bit on your workshop idea, sorry, in the
15 context that you described perhaps. So it would be a
16 workshop, who would attend and what would the goal be.

17 MR. FISHER: Well, I think if it was related to
18 basically the specific issue I raised, which is the
19 installation of electric vehicle service -- electrical
20 charging services and new developments.

21 Some of the parties that obviously I would
22 see being there, the municipalities, the third-party
23 services, BC Hydro. I would also really support the
24 idea of someone from the Condominium Homeowners
25 Association participating. Because one of the issues
26 is, is that at least in a strata development, our

1 members build the building and hand it over to a
2 strata, and some of the issues that arise are
3 governance issues and are we actually providing, you
4 know, the right contracts, the right third-parties
5 basically to -- to basically hand over to the strata.
6 So there are some issues around that.

7 THE CHAIRPERSON: Sorry. So how would the results, as
8 it were, of that workshop, how would that feed into
9 the inquiry then? Is this something the panel would
10 attend or --

11 MR. FISHER: Excuse me.

12 THE CHAIRPERSON: Is it something this panel would
13 attend the workshop, or --

14 MR. FISHER: I'm not sure what happened in that -- it
15 was the one where you -- it was the workshop where
16 essentially the recommendations came out of Class A,
17 Class B, district energy.

18 **Proceeding Time 9:04 a.m. T13**

19 I wasn't sure -- I think there was at least
20 one panel member there. At the very least having BCUC
21 staff there. I mean, one of the issues I think we're
22 having is we're obviously new to this particular
23 business. And so, a lot of our members are unclear
24 about a lot of steps in the process and at the very
25 least as an education.

26 THE CHAIRPERSON: Right, and it would inform submissions.

1 MR. FISHER: It would definitely inform, especially -- I
2 don't think it has to be for all the issues, it's
3 quite a broad scope that you have. But I mean I'm
4 just saying related to the specific issues, and it
5 kind of fits with what you did with the small district
6 energy systems. Again, that applied to new
7 developments. And the same kind of issues arise
8 because you've got a developer that's handing it over
9 to a strata. And is that handover being done in the
10 best way possible for the consumers and the home
11 buyers at the end of the day.

12 THE CHAIRPERSON: Thank you, sir.

13 MR. FISHER: Thank you.

14 COMMISSIONER FUNG: Mr. Fisher, before you go a couple of
15 questions. Do you have any questions -- or sorry,
16 proposals on timing in further process?

17 MR. FISHER: I would defer to the other folks around
18 here. I'm not sure what -- I'm pretty new to the
19 process myself, so I wouldn't be able to sort of
20 provide feedback in that regard.

21 COMMISSIONER FUNG: And how do you feel about hydrogen
22 fueling?

23 MR. FISHER: That's a really new area of business for my
24 members, so I don't think I would object to it being
25 part of the scope. I'm not sure if it would be better
26 in a different inquiry. At the moment, it's quite

1 frankly a service that I'm unaware that our members
2 are providing to strata's or renters. And I'm not
3 aware of any municipal requirements in that regard.
4 So, from our perspective it's probably not a top issue
5 at the moment. Basically it's -- what we're facing is
6 municipal mandates to provide electric vehicle
7 charging.

8 COMMISSIONER FUNG: Thank you.

9 MR. FISHER: But I would defer to the Panel and to the
10 other parties.

11 THE CHAIRPERSON: Thank you, Mr. Fisher.

12 Fortis.

13 **SUBMISSION BY MR. AHMED:**

14 MR. AHMED: Thank you Mr. Chairman. So, I appear on
15 behalf of two utilities, FortisBC Inc., which is the
16 electric utility, as well as FortisBC Energy Inc.,
17 which is the gas utility and often referred to as FEI.
18 EV charging services is more germane to FortisBC Inc.,
19 as an electric utility, than FEI and for that reason
20 active intervention in inquiry therefore has been by
21 FortisBC Inc.

22 Just a as a brief background to explain the
23 position of the Fortis utilities on procedural
24 matters, EV charging is a growing segment of energy
25 use in British Columbia and elsewhere. However, even
26 with this growth and the currently existing subsidies

1 provided by government, EVs are still projected to
2 only comprise a small percentage of the total vehicles
3 on the road, even years from now. That background is
4 to explain a couple of points that underline my
5 submissions on the questions imposed by the Commission
6 for this procedural conference. And those two points
7 are this.

8 First, EV charging from an order of
9 magnitude perspective is not currently or projected in
10 the short term to be a significant part of the energy
11 landscape in the province. And second, that the EV
12 charging market is evolving.

13 THE CHAIRPERSON: Is what, sorry? Evolving?

14 MR. AHMED: Evolving. So, in light of this reality when
15 considering how to move forward with this inquiry, I
16 submit that there are a couple of principles that
17 should animate the process. One, that it should be
18 proportionate to what is involved, which at this
19 moment and for the near future represents a small
20 portion of the electricity consumed in the province.

21 Two, that the Commission does not have to
22 grapple with every potential question and issue that
23 could arise with respect to EV charging service, and
24 that the Commission does not need to consider what
25 could happen far into the future. Some issues are
26 better left to a future date when greater adoption of

1 EV has occurred and there has been further development
2 of the EV charging service market and technologies.
3 Those principles are consistent with the evidence that
4 FortisBC has already filed.

5 It's submitted that in this developing
6 market with so many unknowns, the focus should be on
7 supporting EV adoption and the development of the EV
8 charging market, by keeping prices reasonable and
9 ensuring that areas under the preview of the
10 Commission, that there are no significant barriers to
11 owning and operating EVs.

12 **Proceeding Time 9:09 a.m. T14**

13 FortisBC acknowledges the important public
14 policy goals to served by electrifying the
15 transportation sector, which would allow for GHG
16 emission reductions and utilization of clean B.C.
17 electric power as a very low-carbon fuel.

18 FortisBC believes that the Commission
19 should give significant weight to the importance of
20 those goals as it's preparing its report and
21 recommendations in this process.

22 FortisBC has also suggested that the BCUC
23 consider a further review in five to ten years to
24 examine how the market has matured, at which time the
25 Commission could re-evaluate the regulation of EV
26 charging station services. The result of this inquiry

1 does not need to be edicts that last for decades.

2 Turning to the specific questions that were
3 asked by the Commission for this procedural
4 conference, the first being the scope of inquiry; with
5 respect to that, FortisBC submits that the scope of
6 the inquiry should include the items listed in
7 Appendix A of Exhibit A-34, with a few exceptions and
8 clarifications.

9 The first is that, in the submission of
10 FortisBC, there is no need to address items 9 through
11 13. And the basis for this is somewhat similar to the
12 comments made by my friend Mr. Andrews. A deep
13 examination of a new rate design for EV charging
14 stations, the effect on the grid, and the risk of
15 stranded assets isn't needed at this time.

16 As described, the EV market is small and
17 not expected to change significantly in the short
18 term. Existing utility supply rates are sufficient
19 for the time being. End-user charging rates can be
20 left to charging station owners or, in the case of
21 traditional utilities, to rate applications before the
22 Commission. Those can be addressed at a future time
23 if necessary, once there has been more development in
24 the landscape.

25 With respect to item 17, I submit that the
26 first big-picture question belongs in scope, and

1 that's the inclusion of EV charging stations in rate
2 base. However, there is no need to go beyond the
3 broader question into an examination of the specific
4 application to BC Hydro and Special Direction 7.

5 With respect to 18, my comment is just
6 about perhaps a little bit more clarity. It wasn't
7 entirely clear what the term "subsidization" that was
8 used in that context was meant to mean -- if it's
9 government subsidization or cross-subsidization. And
10 a little bit more clarity on that issue, I think,
11 would be appreciated.

12 With respect to item 20, I submit that the
13 Commission should limit its consideration of EV
14 charging station hardware to access and general
15 principles. Again, this isn't a time to make detailed
16 technical determinations regarding nuts and bolts.
17 Getting further into the technical details, such as
18 network management, are not germane given the early
19 stage of development of the EV charging market. It
20 may be something to consider at a later date, but it's
21 such an early stage of the market, while things are
22 still developing, there is little value in doing so.
23 And it would not be an effective use of time and
24 resources. The focus should be kept on principles of
25 safety, reliability, access and so forth.

26 There were submissions filed by Brightside

1 Solutions and perhaps just to comment on those,
2 regarding the scope. As has already been said, the
3 Commission will already have quite a number of issues
4 to consider for what is currently an embryonic market,
5 and there is no need to go on and consider supply to
6 ferries, and electricity supply to marine ports at
7 this time.

8 Turning to the evidentiary record, and
9 whether it's sufficient, in my submission it is.
10 Evidence has been filed by approximately 20 parties,
11 and a significant number of IRs followed. The
12 Commission also held eight community input sessions
13 throughout the province. A further round of IRs would
14 really be moving into the realm of diminishing returns
15 and the material that has been gathered should be
16 sufficient to allow the Commission to move forward
17 with the inquiry recognizing, as I have already
18 stated, that the EV charging service market will
19 likely be something that will need to be examined
20 again in a number of years, after there has been more
21 development.

22 With respect to matter 3, the subsequent
23 process, my submission is to suggest a process that
24 hasn't been suggested yet; but I think takes into
25 account proportionality and efficiency. I propose
26 that the Commission prepare a preliminary report that

1 addresses the questions in the scope that's
2 determined, bearing in mind again that there may not
3 be a need to deal with each matter in a microscopic
4 level, given the early stage of development of the EV
5 charging landscape.

6 **Proceeding Time 9:13 a.m. T15**

7 Following the issuance of a preliminary
8 report the parties could be given an opportunity to
9 provide comments. I would suggest a timeline of
10 something on the order of three to five weeks after
11 the preliminary report is issued, though there have
12 been comments about holiday schedules, perhaps some
13 modification might be needed for that, but something
14 on that order. Following its review of the comments
15 the Commission could then issue a final report.

16 I think there are a couple of main
17 advantages to proceeding in this fashion. First, it
18 avoids what could be an exchange of over 30 sets of
19 submissions for the Commission and parties to sort
20 through and address, particularly given the likelihood
21 of some similar submissions among the parties, as well
22 as a reply that would likely follow.

23 Second, the preliminary report would likely
24 provide an ordered framework from which the parties
25 could provide further comments for the Commission to
26 consider in preparing a final report, while also

1 avoiding a need to submissions addressing facts that
2 are not challenged.

3 While the procedure I proposed is not
4 common for the Commission, I think it's reasonable
5 given the broad scope of the inquiry and the fact that
6 there is no applicant, as is often the case in
7 proceedings before the Commission. This proposed
8 process is also similar to what occurred in the
9 Commission's recent Site C Inquiry.

10 With respect to matter 4, other scope
11 matters, I have only one item and that is, I think my
12 friend, Mr. Manhas, might be addressing this but from
13 a different angle, and that's how costs in this
14 enquiry are to be recovered. The magnitude of the
15 costs in this proceeding could be significant to the
16 ratepayers of FortisBC Gas -- or FortisBC Energy Inc.,
17 the gas utility, which obviously is not closely
18 related to the EV charging market or could also be
19 significant to the relatively small FortisBC electric
20 utility.

21 If costs were recovered through general
22 BCUC levies, then the natural gas ratepayers could
23 bear a significant portion of the costs absence the
24 establishment of a different treatment. If the
25 procedure I've proposed is used, I'd suggest that that
26 issue also be addressed in the preliminary report.

1 And if it's not, that the procedure that is adopted
2 should allow for the consideration of the recovery of
3 proceeding costs. I'm just raising the issue at this
4 time that it should be considered and I don't have any
5 submissions on that.

6 And with respect to hydrogen, my submission
7 is that there's no need to include it at this stage.
8 Again, that's an issue that can be addressed later on.

9 Subject to any questions, those are my
10 submissions.

11 THE CHAIRPERSON: Mr. Ahmed, just for clarification,
12 then, you are not proposing any submissions prior to a
13 preliminary report, we would just move directly to
14 that as the next phase, is that correct?

15 MR. AHMED: That's correct, Mr. Chair.

16 THE CHAIRPERSON: Thank you. All right, do you have any
17 questions? Okay, thank you, sir.

18 MR. AHMED: Thank you.

19 COMMISSIONER FUNG: Thank you.

20 THE CHAIRPERSON: Mr. Tennant.

21 **SUBMISSIONS BY MR. TENNANT:**

22 MR. TENNANT: Thank you, Mr. Chairman. Our position is
23 that there's no question that the scope of this
24 inquiry is insufficient and that it needs to be
25 expanded to deal with the design and operation of
26 proposed emerging pump-storage plants and other bulk

1 energy storage systems that can incorporate the
2 development of electric vehicle charging
3 infrastructure in concert with the provision of
4 advanced biofuels and hydrogen fuel supply for fuel
5 cell electric vehicles.

6 In its response to our information request,
7 BC Hydro implied that such infrastructure would be
8 undercapitalised or underutilised, and we believe that
9 the realities of such a plant design could easily be
10 capitalised in return for the private financing
11 retaining ownership of the water rights.

12 At the very least that's a claim that could
13 be easily tested by simply ordering a quick request
14 for proposals for a private financier to build a hydro
15 reservoir connected to effluent pipeline or seawater
16 pipeline, long have been proposed. And that this also
17 offers a clean slate for the Commission to consider
18 the installation of innumerable charge points along
19 such a corridor, as well as an elevated transit system
20 that would also be installed along these pipeline
21 corridors.

22 **Proceeding Time 9:18 a.m. T16**

23 Again, the precedent here is, as was the
24 case with the old BC Electric Company and its
25 financing the operation of the original electric tram
26 network --

1 THE CHAIRPERSON: Mr. Tennant, you're making an argument
2 for an item which, at this point, is not in scope. So
3 I think if you could just focus on -- you've made a
4 submission that that should be in scope, and unless
5 you've got some further reasons that you'd like to add
6 as to why it should be in scope, I don't think we need
7 to delve into the merits of a particular approach.

8 MR. TENNANT: Oh, I would certainly disagree with
9 Fortis's position that this is going to be a long
10 process to getting to an electric vehicle charging
11 infrastructure for B.C. I think that the key to all
12 of it is to accelerate the process considerably and
13 the key to doing that would be to develop these pump-
14 storage plants which would put us in the forefront of
15 North America in terms of accelerating both electric
16 vehicle charging and fuel cell development networks.

17 That's basically my argument, Mr. Chair.

18 THE CHAIRPERSON: Okay.

19 MR. TENNANT: So, we believe the water rates are an
20 issue for this inquiry in terms of feeding those pump-
21 storage plants and I would like to have that
22 considered in terms of the scope of this project.

23 THE CHAIRPERSON: Okay.

24 MR. TENNANT: I could just leave it at that if you
25 prefer. Thank you very much.

26 THE CHAIRPERSON: That would be great. And do you have

1 any submissions on further process then, or --

2 MR. TENNANT: No, I'll just leave it to final argument.

3 THE CHAIRPERSON: Okay, thank you, sir.

4 MR. TENNANT: Thank you.

5 THE CHAIRPERSON: I'd like to take a short break now and

6 come back at 9:30.

7 **(PROCEEDINGS ADJOURNED AT 9:20 A.M.)**

8 **(PROCEEDINGS RESUMED AT 9:32 A.M.)** **T17/18**

9 THE CHAIRPERSON: Please be seated.

10 Before we continue, Mr. Li, I think I owe

11 you an apology for a senior moment there. I realize

12 that you'd already -- I realize now you'd already made

13 those submissions on process when I asked you to. So,

14 please forgive me.

15 MR. LI: Your apology is accepted.

16 THE CHAIRPERSON: Thank you. Okay, where were we?

17 COMMISSIONER FUNG: C-15.

18 THE CHAIRPERSON: Greenlots. Mr. Ashley.

19 **SUBMISSIONS BY MR. ASHLEY:**

20 MR. ASHLEY: Thank you. Regarding scope, so I guess I

21 would make this submission. We don't oppose the scope

22 offered in the June 15th Exhibit A-34. But as

23 mentioned just by a prior intervener, we would posit

24 that there may be some aspects of that scope that may

25 be more appropriately considered in a subsequent

26 phase, or after a certain amount of time for the

1 market to continue to develop. However, we would not
2 ask the Commission to remove any items from scope.

3 I would also add that, as submitted by the
4 City of Vancouver, there are some additional aspects
5 or facets for consideration within the framework that
6 may be appropriate. Not necessarily to be added, but
7 to be considered in addition to what may already be
8 online.

9 I would submit that regarding the
10 evidentiary record, so it is sufficient in Greenlots'
11 opinion to move forward at this point, but
12 acknowledging that some of the aspects of the June 15th
13 scope may require additional consideration, which
14 again our suggestion would be that some of those be
15 flagged for future consideration.

16 And so we would suggest that it is
17 appropriate to move towards a final argument or
18 otherwise a conclusion of this phase of the process.
19 However, the process submitted by Fortis is certainly
20 intriguing to Greenlots, which is a draft or a
21 preliminary report, which parties would then comment
22 upon. I do think there are some efficiencies for
23 parties and for the process, that could be identified
24 there.

25 But regardless of process, Greenlots would,
26 in line with that suggested by Hydro and others, look

1 to see if we could come to a conclusion in the early
2 fall.

3 And so, there wouldn't be additional items
4 of scope that we would suggest for addition at the
5 moment. But again, as the Commission moves forward
6 and as this process moves forward, there may be
7 additional items of scope, either already identified
8 or that may be subsequently identified, that may be
9 appropriate for consideration in an additional or
10 subsequent future phase.

11 Thank you.

12 THE CHAIRPERSON: Thank you, sir.

13 Mr. Guthrie.

14 **SUBMISSIONS BY MR. GUTHRIE:**

15 MR. GUTHRIE: Thank you, Mr. Chairman. Regarding the
16 letter of June 15th, a couple of comments on the scope
17 of the inquiry. Number one, under general principles,
18 specifically policies to foster growth in the EV
19 industry, I believe the BCUC is a regulatory body and
20 shouldn't be involved in fostering any industry,
21 particularly the EV industry. That's a political
22 factor and I don't think it should be considered as
23 part of your scope.

24 And maybe as a procedural matter, the fact
25 it's in there, the Commission may decide, "No, we're
26 not looking at it." Just in the process. Personally

1 I don't think it should be in there.

2 **Proceeding Time 9:36 a.m. T19**

3 Section 5, the type and level of
4 information that BCUC should monitor related to the EV
5 market, et cetera, I believe the Commission should
6 focus on the source of the power on use and
7 reliability and not so much on -- on source of the
8 power, not so much on the use of the power. And I
9 think Section 5 here could be taken out of the scope.

10 On Section 9, 10 and 11, and again I have
11 to defer to people with the ties on here that know
12 more about this process, but it seems to me that the
13 electric vehicle market provides a new revenue
14 opportunity to the utilities, that we should use as a
15 way of maybe financing a different way of measuring
16 the rates. And I don't know the difference between a
17 "Schedule" and a "Design", but electric vehicles are
18 all capable of charging on a timed basis, so you can
19 set them to charge at midnight or whatever, and as an
20 EV owner, I do what all the other EV owners I've
21 talked to do, we come home, we plug in 5:00, 6:00. I
22 think there's an opportunity here to provide a -- to
23 use that new revenue as a way of financing time
24 shifting, so that the rates could be lowered after
25 midnight. Most home appliances, major appliances now
26 come with time shifting options.

1 As ratepayers, we spend hundreds of
2 millions of dollars on these smart metres. They are
3 capable of doing this. Studies show that this is one
4 way of reducing rates for ratepayers. I'm just not
5 sure if 9, 10 and 11 covers that, if the rate schedule
6 and rate design, if that sort of thinking would be
7 covered under the wording there. If not, I think it
8 should be. I think the utilities should be challenged
9 to come up with a way of using these expensive meters
10 to benefit the electric vehicle owners and other
11 people's smart devices. And using the new money from
12 the electric vehicle usage as a way of financing this.

13 Number 13, degree of stranded assets, risk
14 in EV charging station due to technology changes,
15 again, I don't see that as something that we should be
16 looking at here. If the Commission is focussed on
17 source of power, not on use, number 13, I don't think
18 needs a lot of study.

19 Number 18, if EV charging infrastructure
20 and delivery requires subsidization. Again, I think
21 that's a political issue. It's not a regulatory issue
22 and shouldn't be considered.

23 19, matters relating to reliability,
24 accessibility. 19, to me, seems to be a duplicate of
25 what's said in 8(b) and (e) -- (b) to (e), and I'm not
26 sure again why it's in there.

1 Number 20, participants filed submissions
2 regarding the need for standardization of hardware, et
3 cetera, et cetera. I think that again the Commission
4 should be looking at source not use. There are all
5 sorts of people out there doing standards and the
6 Commission shouldn't be spending time on this area.

7 One area that I do think that should be
8 added to the criteria here is the whole question of
9 going forward. The Fortis individual mentioned that
10 the EV market is in fact a very young market. And I
11 would think there would be some advantage to the
12 Commission to report having a next steps section, or a
13 future steps which would take the advantage of all the
14 information you've received from this study and maybe
15 lay out what a future evaluation might look like, so
16 five years from now we're not going back and
17 reinventing the wheel.

18 Maybe there's areas of scope or future
19 evaluations that could be included in your report on
20 this study which could provide guidance of what needs
21 to be looked at in the future, say five years or ten
22 years from now.

23 In terms of timing, I defer to the others
24 who are more familiar with your process and timing
25 like that.

26 In terms of hydrogen, I agree with the City

1 of Vancouver, I think that's another fuel source. We
2 talk about the electric vehicle market being a small
3 percentage. The hydrogen car market is non-existent.
4 We've only got one station and maybe two
5 manufacturers. I don't think the Commission should be
6 spending any time on that as part of this study.

7 Question number 2, should we proceed to
8 final argument, I agree with that. I also like
9 Fortis' idea of having a draft report allowing
10 participants like ourselves to have a chance to look
11 at it and make suggested changes.

12 Number 3, the appropriate time line, again,
13 I have to defer to whatever the people who have had
14 experience in this process is.

15 Thank you very much.

16 THE CHAIRPERSON: Thank you, sir. Ministry of Energy,
17 Ms. Craig?

18 **SUBMISSIONS BY MS. CRAIG:**

19 MS. CRAIG: Thank you. I have some detailed
20 submissions to provide on behalf of the Ministry of
21 Energy, Mines and Petroleum Resources. First,
22 starting with the issue of scope and outlined in
23 Exhibit A-34.

24 **Proceeding Time 9:42 a.m. T20**

25 In general, the Ministry does support an
26 expansion of this scope to address the variety of

1 issues that have arisen over the course of the
2 inquiry. And we certainly appreciate the effort of
3 the Commission to be exhaustive in its analysis.

4 However, the Ministry does have some
5 concerns that some of the proposed scope items fall
6 outside of the inquiry's core objectives, and
7 gathering the information that would be necessary for
8 a full consideration of those items could
9 unnecessarily delay the outcome of the inquiry.

10 A number of provincial government
11 initiatives are currently underway that might be
12 influenced by the outcome of the inquiry. That
13 includes things like future EV infrastructure
14 investments and programs; climate action planning;
15 there's also a review of the low carbon fuel standard
16 underway that might be influenced by these results.
17 So certainly in light of all those activities the
18 Ministry certainly encourages the Commission to
19 conclude the inquiry in as timely a manner as
20 possible, so that these initiatives can be
21 meaningfully informed by the inquiry's results.

22 So with that background, I'll provide some
23 comments on specific scope items.

24 THE CHAIRPERSON: Excuse me, before you continue. You
25 say "in as timely a manner as possible". But do we
26 have on the record when those other activities are

1 going to -- that you just outlined, are going to be
2 taking place? So that we have some sense of when --
3 you know, what is timely?
4 MS. CRAIG: I can't speak to when all these activities
5 will be concluded, but I certainly can say that
6 they're all underway right now. So certainly the
7 provincial government is actively involved in planning
8 for climate action and developing climate action
9 strategy. And I note that consideration of EV is
10 ongoing as part of that.
11 THE CHAIRPERSON: Right.
12 MS. CRAIG: The Ministry is continually making
13 investments in EV infrastructure.
14 THE CHAIRPERSON: Right.
15 MS. CRAIG: We've been partnering lately with NRCAN,
16 Natural Resources Canada.
17 THE CHAIRPERSON: Yes.
18 MS. CRAIG: And the review of the low-carbon fuel
19 standard is underway. I can't speak to when all those
20 processes will conclude.
21 THE CHAIRPERSON: Right. Right, okay, fair enough.
22 MS. CRAIG: But I think a timely conclusion of some of
23 those processes would certainly be supported by a
24 timely conclusion of this process.
25 THE CHAIRPERSON: Okay, thank you.
26 MS. CRAIG: So, I have some detailed comments on the

1 specific scope items. And in general I would say most
2 of our comments would align well with what you've
3 already heard from BCSEA, the Sierra Club, and also
4 from Fortis.

5 In some cases there is items that the
6 Ministry feels should be excluded from scope, and in
7 every case we have some suggestions about the language
8 of the scope items that might be useful just to refine
9 and clarify the nature of the scope item. Just based
10 on what I've heard here today, and some of the written
11 submissions I've seen, it seems like some
12 clarification might be really useful moving forward if
13 there is a final argument stage, and really focusing
14 interveners on the key issues to be addressed.

15 So, with that in mind, turning to number 2,
16 for the sake of clarity the Ministry would suggest
17 that language be added to specifically indicate that
18 only public EV charging services provided for
19 compensation are included within the scope of the
20 inquiry. As you will know, services provided for free
21 don't fall within the Commission's regulatory
22 authority. Neither do services provided by a person
23 with an otherwise-public utility who provides the
24 services only to the persons -- employees or tenants.
25 The current language of item 2 might suggest that any
26 type of EV charging service falls within the inquiry's

1 scope.

2 The current language of item 2 might also
3 suggest that each of the items listed in (a) through
4 (g) require distinct regulatory regimes. And in the
5 Ministry's view, the two main categories of EV service
6 that should fall within the scope of the inquiry are
7 those listed as (a) and (b), which are public level 1
8 and 2, and public EV fast charging stations. The
9 items listed in (c) through (g) are possible sub-
10 categories of those two groupings that may or may not
11 warrant a specific regulatory requirement.

12 **Proceeding Time 9:46 a.m. T21**

13 The Ministry doesn't support the inclusion
14 of item 5 in the inquiry scope, because the Ministry
15 believes it's unnecessary for the Commission to
16 actively monitor the EV market, or impose reporting
17 requirements on other entities for the purpose of
18 monitoring the EV market.

19 Using the guiding principles that are
20 envisioned under scope item 4, the Commission should
21 be able to consider whether any regulatory regime for
22 EV charging services remains appropriate in a future
23 EV market when and if that questions arises as part of
24 a related rate application or in response to a
25 complaint.

26 The Ministry agrees with the considerations

1 listed under item 8, but suggests that additional
2 language be added to make clear that the Commission
3 will consider other complementary regulatory regimes
4 in determining whether or not companies that are not
5 otherwise public utilities should be regulated by the
6 Commission if they are providing EV charging services.
7 Some of these complementary regimes include the
8 electrical safety oversight provided by Technical
9 Safety B.C. and also the oversight that's provided by
10 local governments.

11 And I believe we're sort of in sync with
12 some of the submissions from Fortis on this piece.
13 The Ministry doesn't support the inclusion of items 9,
14 10 and 11 in the scope, which appear to all be related
15 to rates charged by public utilities for the
16 electricity used in EV charging. The Ministry feels
17 that consideration of these items could unnecessarily
18 delay the outcome of the inquiry, as it might require
19 further submissions from public utilities. The
20 questions might be more properly considered on a case-
21 by-case basis as part of an individual public
22 utility's rate design application.

23 The Ministry also does not support the
24 inclusion of item 12, which is speaking to grid
25 stability, et cetera. While these are very important
26 questions, they seem to be far outside the scope of

1 the inquiry and could be more properly addressed as
2 part of the public utilities integrated resource
3 planning exercise.

4 Item 13 is also not supported by the
5 Ministry. This again seem to be a question that's
6 better addressed on a case-by-case basis through rate
7 design applications to the Commission.

8 The Ministry would like further explanation
9 of the intention of item 14. Public utilities are
10 responsible for choosing whether or not to make
11 investments in EV charging infrastructure, and
12 although those decisions may be influenced by *Clean*
13 *Energy Act, the Greenhouse Gas Reduction Regulation,*
14 and other government policies, the Ministry is unclear
15 how the Commission could come a conclusion regarding
16 the degree to which those policies should guide public
17 utility investments.

18 Moving on to item 18, the Ministry doesn't
19 support inclusion of this item except as it relates to
20 the question posed in item 16, which is, is it
21 appropriate for all ratepayers to subsidize a public
22 utilities EV charging service. If the Commission
23 concludes that the answer to that question is no,
24 recommendations or directions regarding a provision of
25 subsidies by other entities should be outside of the
26 scope of this inquiry.

1 And then lastly in terms of scope, with
2 regard to item 20, the Ministry has concerns that a
3 detailed analysis of potential hardware and software
4 standards could, again, unnecessarily delay the
5 conclusion of the inquiry, and likely would only
6 confirm that there isn't a universally accepted
7 standard at this time.

8 The Ministry sees a link between this item
9 and items 8 and 19 which speak to the regulation and
10 reliability and accessibility of public stations and
11 would suggest that the Commission consider whether a
12 general principle or requirement related to
13 reliability and accessibility would be sufficient when
14 granting any approval or exemption in EV charging
15 service, rather than some specific technical
16 standards.

17 With regard to the scope item that was
18 raised about hydrogen, the Ministry doesn't support
19 including that item in the scope of this inquiry. I
20 think -- echoing some of the comments from the City of
21 Vancouver, this is sort of an entirely different
22 beast. My understanding from colleagues involved in
23 this is that it's a very different fueling system and
24 market and more akin to a gas station type model. I
25 think at this point the Ministry would suggest there
26 is insufficient evidence on the record likely to make

1 decisions on this, and that there may have been other
2 parties that may have wished to intervene in the
3 proceeding if hydrogen had initially been part of the
4 scope.

5 So while that is an important issue, and
6 it's certainly on the radar of the Ministry, that
7 might be left to another proceeding or another
8 determination.

9 In terms of further process, as I noted
10 earlier, the Ministry certainly would like to see the
11 inquiry concluded in as timely a manner as possible.
12 The Ministry is concerned that further regulatory
13 process could significantly delay the outcome of the
14 inquiry. I believe, as we noted earlier, there's been
15 a significant amount of evidence that is being
16 submitted by interveners, through letters of comment,
17 and speakers at the various community input sessions,
18 certainly that evidence covers a wide variety of
19 topics and issues, and represents a wide variety of
20 viewpoints.

21 **Proceeding Time 9:51 a.m. T22**

22 You had public utilities, individual EV
23 owners, and owner associations, ratepayer
24 associations, local governments, and also EV charging
25 stations providers.

26 As the market is in its early stages, many

1 jurisdictions are currently grappling with the same
2 questions. The Ministry would suggest that any gaps
3 that you find in the evidentiary record at this time
4 can most likely be attributed to just simply a lack of
5 available information rather than a failure on the
6 part of interveners to submit that information as part
7 of the inquiry.

8 Based on our submissions with respect to
9 scope for the regulatory process, it's unlikely to
10 result in the presentation of significant new evidence
11 that would be of relevance or assistance to the
12 inquiry, so the Ministry submits that another round of
13 information requests is unnecessary.

14 In terms of whether the proceeding is ready
15 to move to final argument, the Ministry doesn't
16 necessarily have a submission on the appropriate
17 process for that. Certainly there appears to be merit
18 in the suggestion made by Fortis of having an interim
19 report and a period for comments. So certainly the
20 Ministry would encourage the Commission to consider
21 that as a possibility.

22 Certainly looking at a lot of the
23 information that's already being submitted as part of
24 part of the inquiry, much of it appears to already be
25 in the form of argument. I know we were somewhat
26 guilty of that in our submission. We weren't just

1 purely sticking to facts. So based on the fact, and I
2 think from a lot of submissions there was already a
3 certain amount of argument presented, it may be
4 appropriate for the Commission to be able to use that
5 information to come up with an interim report.

6 And those are all my submissions unless you
7 have any questions.

8 COMMISSIONER HAROWITZ: Thank you.

9 MS. CRAIG: Thank you.

10 THE CHAIRPERSON: Thank you.

11 Mr. Allan, AddÉnergie Technologies. Are
12 you still on the phone?

13 **SUBMISSIONS BY MR. ALLAN:**

14 MR. ALLAN: I am. And thank you, Mr. Chair, for allowing
15 me to attend by teleconference today. Can you hear me
16 okay if I speak this level?

17 THE CHAIRPERSON: Yes. Yeah, absolutely.

18 MR. ALLAN: Okay, thank you.

19 So to the first question, AddÉnergie is
20 proudly supportive of the detailed breakdown of issues
21 set out in Appendix A, Exhibit A-43, which the
22 following comments.

23 We support the submission of the Ministry
24 of Energy, Mines and Petroleum Resources with respect
25 to point 5.

26 On point 9, AddÉnergie takes the

1 submissions of both FortisBC and the BC Ministry of
2 Energy, Mines and Petroleum Resources seriously, but
3 notes that it has led evidence underscoring the
4 importance of the economics of electricity rate
5 schedules to the broader rollout of public DC fast
6 charging.

7 And so, while we agree that the Commission
8 could not -- likely could not, based on the current
9 evidentiary record, and should not set specific
10 details of a rate schedule with respect to public DCFC
11 at this time. We would like to propose that the
12 Commission likely does have sufficient evidence on the
13 record to at least consider whether it is appropriate
14 to ask public utilities to consider the development of
15 a special rate schedule as part of their next rate
16 cases. And so we would like to recommend that this
17 point be narrowed somewhat to at least permit the
18 Commission to consider asking utilities to return with
19 a DCFC specific rate schedule in the further or to
20 explain why doing so is inappropriate as part of their
21 next rate proceeding.

22 On section 11 to 13, we agree with the
23 submissions raised by Fortis and also with the
24 Ministry. And to be judicious with the Commission's
25 time we will avoid reiterating the rationale on those
26 points, but strongly support those recommendations.

Proceeding Time 9:56 a.m. T23

1
2 Likewise, we believe that question 20 goes
3 beyond what the Commission should be considering at
4 this point, and strays well within the operational and
5 planning territory of British Columbia's public
6 utilities. And so recommend that that question be
7 left off the final list of issues.

8 On the issue of process, we would like to
9 strongly support the recommendation made by Fortis to
10 proceed by way of comments on a draft report. Like
11 the Ministry, we are comfortable that most, if not
12 all, interveners provided their evidence by way of
13 detailed and helpful and thoughtful argumentation up
14 to this point. And as a private company that
15 participates actively in the B.C. charging market, we
16 believe there is strong benefit if the Commission is
17 able to expedite the resolution of this regulatory
18 proceeding by providing a draft report and allowing
19 interveners to have a straw dog against which to
20 provide their detailed final comments. And we believe
21 that at this point another round of IRs would be an
22 inappropriate extension of the time required just to
23 complete this regulatory -- given the thorough and
24 able process the Commission has already run thus far.

25 On timing, we support the submission of
26 FortisBC, and on the issue of the inclusion of

1 hydrogen, we would like to support the submissions of
2 the City of Vancouver and the Ministry of Energy,
3 Mines, and Petroleum Resources.

4 Unless you have any questions, that
5 concludes our procedural submissions.

6 THE CHAIRPERSON: Any questions? No? No, thank you,
7 sir, we have no questions.

8 MR. ALLAN: Thank you.

9 THE CHAIRPERSON: Ms. Worth?

10 **SUBMISSIONS BY MS. WORTH:**

11 MS. WORTH: Mr. Chairman, Members of the Panel.

12 I'd like to begin my comments regarding the
13 appropriate scope of this review, and more
14 specifically whether the preliminary scope as
15 found in Order G-63-16 remains appropriate.

16 As is evidenced from the large quantity of
17 materials that we have on the record, and the number
18 of people that we have here in person, and by
19 telephone, and electric vehicles -- although not Elon
20 Musk, unfortunately -- there's a great deal of
21 interest regarding this inquiry. My clients are of
22 the view that this inquiry has benefitted a great deal
23 from the diversity of voices and issues and viewpoints
24 that have been presented thus far, via the questions
25 that have been posed.

26 We've heard from B.C.'s regulated electric

1 utilities, parties representing ratepayers of those
2 utilities, including myself on behalf of B.C.'s low-
3 and fixed-income residential ratepayers. Various
4 levels of government, parties involved with the
5 installation of EV charging stations, sellers of
6 electric vehicles, parties who currently provide
7 electric charging stations or services under various
8 arrangements. Manufacturers of electric vehicles,
9 parties who currently own electric vehicles, and those
10 who actually require charging services, and various
11 public interest groups and other interested parties.

12 So having reviewed the evidence provided by
13 those parties, BCOAPO is of the view that all of the
14 issues noted in the Commission staff's expanded scope
15 in A-34 are relevant, and should be addressed as part
16 of this inquiry.

17 Now, regarding the evidentiary record as it
18 currently stands, it is our view that the issues
19 within the expanded scope have been greatly informed
20 by the participation of this diverse group and that,
21 subject to any strong views held by other parties, we
22 are prepared to proceed to final written argument.

23 Of course, we now have a suggestion by
24 counsel for Fortis that we look at an alternate means
25 of going forward, in that we have a similar type of
26 situation as was the case in the Site C Inquiry.

1 **SUBMISSIONS BY MR. ROGOZA:**

2 MR. ROGOZA: Yes, good morning. I don't really have a
3 formal submission, but I'd like to bring a
4 perspective, really, to the proceedings here.

5 B.C. Scrap-It Society is a non-profit
6 organization and one of the focuses of our work these
7 days is to provide incentives to put electric vehicles
8 on the road. So for the last three years we've been
9 doing that, and we directly interact with customers
10 who basically buy electric vehicles. So to date we've
11 been responsible for putting over 2,000 electric
12 vehicles on the roads in B.C. and I wanted to kind of
13 bring that perspective, that customer perspective to
14 these proceedings. Because I think a lot of the
15 issues and how they see them intertwine with many of
16 issues identified really in the scope of the hearing
17 today.

18 So what do customer want? What do they
19 tell us they want? These are the people who go out
20 and spend their money on buying an electric vehicle
21 and take it home and park it in their garage. So now
22 -- and these vehicles, by the way, are all pure
23 electric vehicles. They all need to be charged. So
24 it isn't like a plug-in hybrid where you can run it on
25 gasoline all the time.

26 So what do they see in the market today and

1 what do they want? So we first of all do surveys with
2 our customers and our customers basically said that
3 preferably, 70-80 percent of the time, they would like
4 to have either a workplace charging solution and/or a
5 home charging solution. So what they are basically
6 doing today, the vast majority, is simply plugging in
7 with 110. Every night we have 2,000 electric vehicle
8 owners under our program who are plugging in with at
9 least 110. Based on our surveys, about 30 percent of
10 them --

11 COMMISSIONER HOROWITZ: Mr. Rogoza.

12 MR. ROGOZA: Oh, sorry, 110 volt.

13 COMMISSIONER HOROWITZ: Sorry. Sorry to interrupt, but
14 again, we're talking here today about scope, not
15 content of submission. And so if the scope is fine,
16 and you also have the ability to submit, you know, a
17 letter of comment or whatever, but this is not the
18 place for content. So.

19 MR. ROGOZA: Okay, right. Okay, so what I would say then
20 is the -- I think the scope is quite comprehensive and
21 addresses a lot of the issues that in fact customers
22 have an interest in. You know, like why do they want
23 charging, how do they get it, reliability; all those
24 kinds of questions, really, are vital to a customer
25 who owns an electric vehicle. No question about that.

26 With respect to the scope issue, one of the

1 recommendations I think I heard was that -- and I'd
2 like to advance this, is that if the Commission has
3 not yet done this, to produce what was called a
4 report. We've done a lot of work with California, and
5 we know that in California both the Utilities
6 Commission there and the California Resources Board
7 has spent a lot of time and many years looking at the
8 same kinds of issues that are being addressed within
9 these hearings. And I don't know if the Commission
10 itself or other parties have actually reviewed the
11 experience they've had, and a lot of learning and the
12 models they've used, because based on my participation
13 in some of their hearing process, we're re-treading
14 old ground here in relation to time-of-day pricing,
15 the utility role and so on.

16 So one of my recommendations, I think
17 related to point 5, really had to do with -- in here
18 it's suggested -- I'm sorry, the type of level of
19 information that BCUC should monitor. And I would
20 suggest that there's invaluable learning that's
21 already happened on many of these questions in
22 California, where they have a thousand electric
23 vehicles on the road and thousands of charging
24 applications already in both public and home and
25 workplace situations.

26 I would recommend to the Commission that as

1 part of this scope exercise here that the Commission
2 seek out your counterparts there and see what learning
3 come out of that experience. Because I think it would
4 really help inform us and not having to retread a lot
5 of ground in these questions, because they've had
6 direct experience with this going back for the last
7 ten years. So that would be my sole recommendation
8 coming to this, and I agree with the scope.

9 If you have any questions, glad to take
10 those. Thank you.

11 THE CHAIRPERSON: Thank you, sir.

12 MR. ROGOZA: Thank you.

13 THE CHAIRPERSON: Commercial Energy.

14 MR. WEAVER: Good morning.

15 THE CHAIRPERSON: Good morning.

16 **Proceeding Time 10:06 a.m. T25**

17 **SUBMISSIONS BY MR. WEAVER:**

18 MR. WEAVER: The CEC would also join others in
19 commending the Commission in commencing this inquiry
20 and we would also like to commend the Commission for
21 its efforts to reach out and gather useful information
22 by community input sessions.

23 And turning now to today's issues, in terms
24 of scope in question 1, we just -- we would make the
25 submission that any scope issue you do not deal with
26 by *de facto* means it's been dealt with. The market is

1 left with uncertainty in terms of the issues not dealt
2 with by the Commission, and that may contribute to a
3 paralysis and preservation of the status quo. We
4 don't think that's the objective of the policy
5 direction, to have the inquiry, nor should it be the
6 objective of the Commission. So we would encourage
7 the Commission to accept the broad scope in A-34,
8 attachment A, as helpful to advancing what we
9 understand to be an objective of seeing the electric
10 market evolve and develop in British Columbia.

11 So, I'm not making argument. I'm focused
12 on scope. We think that the scope is valid, and this
13 Commission should strive to answer the questions
14 within the scope document to not restrict or reduce if
15 at all possible.

16 In terms of the second question, and the
17 question is posed whether the existing evidentiary
18 record conveys adequate information for the Panel's
19 report. And we would suggest that we're not looking
20 for an adequate report. We're looking for an
21 exceptional report. We're looking for a report that
22 actually digs deep and --

23 COMMISSIONER HAROWITZ: So we have to work harder now.

24 MR. WEAFFER: And we want to help you. The standard, in
25 terms of the value of this report, shouldn't be
26 something that's not utilized or not effective or gets

1 shelved away and doesn't contribute to the process.
2 And so with respect to the Ministry's comments, and
3 that there are other processes going on with the
4 Ministry -- well, firstly I want to commend the
5 Ministry for being here, and giving the panel some
6 direct information. And I'll deal with that in terms
7 of how to deal with it as we go forward.

8 But we're both ratepayers and taxpayers.
9 And we would like efficiency in the process. That
10 what you do is helpful to the government, and what
11 they're doing is helpful to the Commission in its
12 role. So, we think that the Commission -- we submit
13 that the Commission should seek to publish a report
14 that is as useful and broad scoping on the topic which
15 justifies the time and effort that's been spent to
16 date.

17 In terms of the scope items, there's three
18 areas where we think that the record may be adequate
19 but could be improved. Firstly, and this has come up
20 with people speaking before me, that the government
21 policy interactions, in particular items 6 and 7, the
22 exemption topics, and items 14 and 17, and Special
23 Direction 7. I'll just -- I'll give you the three
24 areas of concern first, and then propose how they may
25 be dealt with.

26 The second area, and this has also come up

1 with a couple of the previous -- and that's the rate
2 design topic. And items 9, 10, 11 and 13.

3 And the last one, which I think one prior
4 speaker spoke to, is the cross-subsidy issue, items 16
5 and 18. Those to the CEC are three areas where the
6 record could be improved for the Commission to be able
7 to render a more than adequate decision, an
8 exceptional decision.

9 And we aren't looking to draw out process.
10 We think there's a very pragmatic solution to that,
11 and it's consistent with Mr. Fisher's submissions on
12 behalf of the UBI, is that there be scheduled
13 workshops on those topics, and/or any others that the
14 Commission thinks the record can be improved upon, by
15 having the parties in a room and discussing them.

16 And whether we get completion on those
17 topics through that workshop, or a better than
18 adequate record, we believe it will improve the
19 record. And we will improve the body of knowledge
20 that the Commission Panel has, to render a report.
21 And we don't see that as costly, or time-consuming.
22 We see that as getting in a room with the
23 Commissioners, as with other workshop processes, and
24 ensure -- and the Panel in the room. And be able to
25 address questions that they may have on the
26 evidentiary record.

1 by the panel.

2 The weight it gives will be up to the
3 Commission, but we think there is some other material
4 not on the record that may assist those topics and
5 we're saying those topics should still be in the scope
6 for the panel. So we're hopeful that the Commission
7 will be open to some flexibility in its processes in
8 terms of evidence to contribute to your report.

9 THE CHAIRPERSON: So just for further clarity, in
10 particular on your suggestion for workshopping rate
11 design, is this a workshop to determine whether there
12 needs to be a separate rate design or is this actually
13 a rate design workshop that you're suggesting here?

14 MR. WEAVER: It's to approve the evidence that's on the
15 record to date. We're not -- there's not going to be
16 evidence created to design new rates for that
17 workshop.

18 THE CHAIRPERSON: No new evidence.

19 MR. WEAVER: Sorry.

20 THE CHAIRPERSON: There's no new evidence then, just to
21 clarify what's already on the record?

22 MR. WEAVER: To the extent the utilities will share their
23 views and advance a better record for the panel that
24 will be helpful. But we're not talking about a new
25 rate design process. It's really -- we think -- we've
26 had comment on that scenario, "You shouldn't be

1 talking about it in this report. We should pull those
2 out of scope."

3 THE CHAIRPERSON: Right.

4 MR. WEAVER: We think that's not appropriate. We think
5 that those are important issues and that the panel can
6 take them as far as they can on the basis of the
7 evidence they have before it. Obviously the rate
8 still needs to be designed, but let's not just walk
9 away from the topic and start from scratch a year from
10 now. The market doesn't want uncertainty. The market
11 wants certainty. If you're able to give directions in
12 your report which says we think this is the way it
13 will go, any of those indications will I think be, we
14 submit, be of assistance to the development of the
15 market.

16 And we understand that to be the common
17 objective of the room. We'd like to see the market
18 develop. Uncertainty, reducing scope, does not help
19 the market develop, in our submission.

20 THE CHAIRPERSON: Thank you.

21 MR. WEAVER: I think I've dealt with the topics. With
22 respect to hydrogen, we're a bit concerned that the
23 record is not that sufficient on the topic. And we're
24 not taking a position on it, but we don't think much
25 can be done with it by the panel based on the record
26 you have to date.

1 If there's any questions, those are my
2 submissions.

3 THE CHAIRPERSON: Do you have any comment on Fortis'
4 suggestion?

5 MR. WEAVER: My comment is doing less preserves the
6 status quo and we don't think that's the approach.

7 THE CHAIRPERSON: Sorry --

8 MR. WEAVER: In terms of the panel issuing the report.

9 THE CHAIRPERSON: Yeah.

10 MR. WEAVER: If the workshops were done, that may assist.
11 However, we have had an IR round that nobody's
12 commented on and you don't have the submissions of the
13 parties on those IR responses. So you're issuing a
14 report which fails to have responses to that step in
15 the process and I think there's a procedural fairness
16 associated with that.

17 THE CHAIRPERSON: Okay. But that notwithstanding, if
18 that was the decision of the panel to issue a
19 preliminary report, would you still submit that we
20 should -- that these workshops should be held before
21 that preliminary report was written or before it was
22 issued?

23 MR. WEAVER: Yes, most definitely. Yes.

24 THE CHAIRPERSON: Okay, thanks.

25 MR. WEAVER: I think that would inform the preliminary
26 report.

1 THE CHAIRPERSON: Right. Thank you.

2 Anna, do you have any --

3 COMMISSIONER FUNG: No, thank you.

4 COMMISSIONER HAROWITZ: Thank you.

5 MR. WEAVER: Thank you.

6 THE CHAIRPERSON: Thank you, sir.

7 ChargePoint?

8 **SUBMISSIONS BY MR. MANHAS:**

9 MR. MANHAS: Commission panel, I think that some of the
10 submissions provided by other participants in this
11 proceeding will hopefully streamline my submissions
12 today.

13 We largely agree with the submissions of
14 the BC Sustainable Energy Association, AddÉnergie, BC
15 Ministry of Energy, Mines and Petroleum Resources, and
16 FortisBC. But we have a slightly different proposal
17 in terms of how we envision the process should unfold.

18 Our position today is threefold. First, we
19 believe there are certain threshold issues regarding
20 the Commission's jurisdiction that will drive whether
21 other issues raised in the expanded scope of inquiry
22 are needed to be addressed and if so, to what extent.
23 And the Commission has a complete evidentiary record
24 on those threshold issues. It's therefore our
25 recommendation that the Commission proceed to argument
26 on these threshold issues as part of a phase 1 inquiry

1 and to expand the scope at this stage is premature.

2 We then suggest that once those threshold
3 issues are addressed that the Commission can determine
4 an appropriate scope of further inquiry as part of a
5 phase 2 process and could raise some of the specific
6 issues that arise as part of this expanded scope of
7 inquiry.

8 And third, as I mentioned in my
9 introductory comments, I will have some brief
10 submissions on PACA. And in that regard I just want
11 to make sure the Commission is aware that its approach
12 to this process should be cognizant of the ability of
13 parties to participate and that that largely depends
14 of availability of PACA funding. So whatever process
15 the Commission decides to craft as a result of this
16 procedural conference should account for that.

17 **Proceeding Time 10:17 a.m. T27**

18 So as mentioned, we submit that a two-phase
19 process is appropriate under the circumstances. In
20 our view, the phase one of the process can decide
21 jurisdictional questions of whether the Commission has
22 jurisdiction to regulate third-party EV charging
23 stations, whether the Commission should exercise that
24 jurisdiction or if it should forebear from regulation,
25 and then if the Commission decides that it should
26 regulate, what form of regulation should apply.

1 In our view, decisions on those questions
2 will create a framework in which some of the more
3 specific issues that arise as part of the expanded
4 scope of inquiry could be addressed, and the other
5 aspect is that there is many issues that may be
6 rendered moot or maybe narrowed significantly as a
7 result of the Commission's decisions on those
8 preliminary questions.

9 And we envision phase two of the process to
10 then decide those specific issues that remain after
11 those preliminary questions are addressed.

12 In our view, this approach is efficient
13 because the Commission already has an extensive report
14 on those preliminary jurisdictional questions. Many
15 of the parties to this proceeding have already
16 addressed those questions. And as mentioned, those
17 questions will drive a lot of what the other -- a lot
18 of what the Commission has to consider as part of the
19 remainder of the proceeding.

20 And I note in particular that with respect
21 to third-party EV providers there's a question,
22 Question 8 under the expanded scope, which considers
23 both whether they should be regulated and if so, how
24 they should be regulated. And in my view this is one
25 of those questions where parties may expend
26 considerable resources addressing, you know, specific

1 modes of regulation for these providers. And then it
2 may result though in the Commission deciding that, you
3 know, an exemption process is the way to approach it.
4 In our view, it's just inefficient to deal with all of
5 those very complicated specific issues before you get
6 those sort of preliminary questions out of the way.

7 We also think that an early ruling on these
8 preliminary issues may be helpful in terms of utility
9 specific rate proceedings that are forthcoming. We
10 understand that BC Hydro is intending to file a rate
11 application in February of next year, and to have a
12 Commission decision at least on the broad framework
13 that's going to apply to EV stations will be helpful
14 in advance.

15 And finally you've heard some comments
16 about some urgency that arises as a result of the
17 Commission's process, and I can just note that we are
18 involved in the Natural Resources Canada Grant process
19 and we understand that that program is imminent.
20 There is no evidence on the record about this because
21 it's a recent development. But our ability to be able
22 to attract site hosts depends on -- and to them, apply
23 for those grants, depends on some certainty about how
24 these services are going to be regulated and how site
25 hosts are going to be able to recover their capital
26 investments.

1 And so in our submission to have clarity on
2 those issues in advance in an expedited process would
3 be helpful to us and likely to other parties.

4 And then the specifics of how phase two
5 would unfold, I imagine would arise after that phase
6 one determination. I'm not going to make specific
7 submissions on what should be included or not included
8 as part of the phase two process. We are generally in
9 agreement with the submission previously made by, as
10 mentioned, the Ministry of Energy, Mines and Petroleum
11 Resources about what the appropriate scope of inquiry
12 is. But many of those issues, I think, can be pushed
13 back as part of the phase two proceeding.

14 And I would just like to simply note that
15 the Commission has followed these two stage processes
16 in the past. In the AES inquiry, a similar process was
17 used, as well as in the self-generation proceeding
18 that happened a few years ago.

19 This approach -- you've also hear reference
20 to the California Public Utilities Commission. This
21 is a similar approach that California used in
22 addressing these issues. There was a preliminary
23 jurisdictional question about whether they had the
24 jurisdiction to regulate third-party providers of EV
25 charging services. There was a subsequent process to
26 decide how public utilities should be regulated in

1 as, for example, exemptions, complaint-based
2 mechanisms, or some more comprehensive form of
3 regulation.

4 I don't have any specific comments on phase
5 two of the proceeding at this point, again, because I
6 envision that those issues about evidence that would
7 arise in phase two would be addressed at that time.
8 And so I don't have any specific comments there.

9 In terms of timing, either my proposal --
10 we suggest that given the narrowed scope, that we
11 proceed to argument on a relatively short basis on
12 those issues. My proposal is that we proceed four
13 weeks after the Commission renders its decision on
14 this procedural conference, in terms of how it intends
15 to proceed. And so four weeks following that, we
16 could proceed to argument.

17 If there is an expanded scope with more
18 questions, then we anticipate that more time is likely
19 needed. But we think that this two-stage process will
20 eliminate the need for that.

21 And then finally I just want to address the
22 PACA issue. And if the Commission decides to go with
23 a phased process to address these issues, I submit
24 that the Commission should have a separate PACA
25 process for stage 1 and for stage 2, just to allow
26 parties to recover some of the significant investment

1 they've already made in addressing issues in this
2 proceeding. And again, I haven't heard much from
3 other participants suggesting the additional
4 evidentiary phases at this point, but to the extent
5 that the Commission orders further evidentiary phases,
6 and this proceeding becomes more protracted, I ask
7 that the Commission consider making interim funding
8 available given the significant investments that have
9 already been made to date.

10 And finally, with respect to the issue of
11 hydrogen, we adopt the submissions of the City of
12 Vancouver. Thank you.

13 THE CHAIRPERSON: Thank you. A question. Fortis, as you
14 know, made its suggestion that we proceed directly to
15 a report, or at least to a preliminary or interim or
16 draft report. How does that dovetail, or does that
17 dovetail, with your suggestion that we have a phase 1
18 report? Would you propose that we have submissions
19 before the phase 1 report? Or would you see us having
20 a draft phase 1 report, and then go for submissions
21 after that?

22 MR. MANHAS: In my view there would be no need for a
23 draft phase 1 report. Phase 1, I think, can be
24 addressed both discretely and on a relatively
25 expedited basis.

26 THE CHAIRPERSON: With submissions first.

1 MR. MANHAS: With submissions from the parties. I think
2 it is important before the Commission -- if the
3 Commission issues any report, that submissions are
4 received. For the same reasons as Mr. Weafer
5 mentioned. There have been significant IRs in this
6 proceeding, and although parties have presented their
7 positions on the record as part of their evidence, in
8 those cases, I think it's important that the parties
9 have an opportunity to clarify the record based on
10 everything -- before the Commission issues any
11 decision.

12 THE CHAIRPERSON: Okay. Thank you. Further questions?
13 No. No.

14 MR. MANHAS: Thank you.

15 THE CHAIRPERSON: Thank you, sir.
16 Tesla, please?

17 **SUBMISSIONS BY MR. MYRANS:**

18 MR. MYRANS: Good morning. Thank you, Mr. Chair. I'm
19 going to try to forego some of my notes here because
20 some of the others have covered their content.

21 Before jumping to the questions, I am going
22 to provide a few quick updates on things that we've
23 been working on in B.C. since we were last here,
24 because I think it feeds into the conversation on
25 urgency.

26 **Proceeding Time 10:27 a.m. T29**

1 Notably, we just hit a milestone globally
2 with 10,000 supercharging connectors at 1,250
3 locations. Interestingly the 10,000th connector was
4 here in Canada. It was in Ontario. But. you know,
5 part of our ongoing global expansion of the
6 supercharge network which provides international
7 coverage, seamless connection between provinces,
8 between states and across international borders, we
9 are also expanding our network in B.C. And earlier
10 this month, since I last had a chance to present to
11 the Commission, we announced that we're going to be
12 building a new corridor through southern British
13 Columbia, or intend to, in 2019, along Highway 3
14 connecting Alberta and east to our Kelowna and Hope
15 superchargers in the west. So this would be a second
16 east-west corridor.

17 So, you know, the issue for us right now is
18 that the proceedings that are ongoing here, while
19 initially we weren't too concerned, we were planning
20 to move forward, the expanded scope has now added a
21 sense -- or the proposed expanded scope has now added
22 a sense of urgency because it may affect our
23 investment decisions directly.

24 So I'll go through some of my specific
25 comments with regard to the questions. In response to
26 question 1 on the agenda, it's our view that the

1 initial scope was very broad and actually could
2 benefit from being narrowed, not broadened. And in
3 that regard, it could focus specifically on the roles
4 of regulated utilities wishing to provide EV end-use
5 charging services. And really, vis-à-vis their role
6 against competitive operators within the established
7 market here in British Columbia.

8 So, you know, added to that could be other
9 things that support the sector, as evidence has been
10 filed on things such as make-ready infrastructure, the
11 issue of strata.

12 But the new proposed scope goes well beyond
13 that, and that is perhaps what is causing some
14 particular concern for us. From Tesla's perspective
15 we have, I think, shared similar concerns with regard
16 to ChargePoint Venture and the threshold questions,
17 and we certainly don't see the role for private sector
18 competitive charging stations being regulated as
19 utilities in any way, and would add significant amount
20 of burden. I'll leave it at that, because I know
21 we're not supposed to focus on arguments.

22 I will also note that the broad scope has
23 been presented. There's no other utility regulator in
24 North America that's imposed that range or even some
25 of the very specific items that are listed in that,
26 that new listing in Appendix A of A-34. And just want

1 to remind the Commission that while it's certainly
2 within your purview to explore it, it would be a very
3 big departure from other utility commissions and the
4 work that they've done throughout North America.

5 With particular regard to item 20 in
6 Appendix A of document A-34, I'm very concerned about
7 this, and Tesla wants to be clear that it doesn't
8 believe the Commission has any regulatory jurisdiction
9 in regards to the type of charging connectors
10 installed in motor vehicles or attached to
11 competitively operated EVSEs. Nor do we believe the
12 Commission has regulatory purview to impact the
13 customer experience and automaker or non-utility end-
14 use service provider intends to provide to vehicle
15 drivers in a competitive market place.

16 We, as we've already filed in our comments,
17 our connector -- with regard to the Tesla connector we
18 are open to conversations with the rest of the
19 industry about using that connector.

20 There are certainly other aspects within
21 the broadened scope that we are concerned with, and
22 again we've been going back to the initial scope in
23 refining that down, not up, is the way to go.

24 In regard to question 2, we think that, you
25 know, with a narrowed scope, yes, the existing
26 evidentiary evidentiary record contains adequate

1 information to come to a conclusion.

2 On question 3, you know, we do think that a
3 draft report, if expedited quickly, for comment, could
4 be useful, and that immediately thereafter there be a
5 call for final submissions.

6 And with regard to question 4, we have no
7 further procedural questions.

8 And on the question about hydrogen, it's a
9 really very different feeling technology and probably
10 if it's something that the Commission wants to look
11 at, should be dealt with through a separate
12 proceeding.

13 Thank you.

14 THE CHAIRPERSON: Thank you, sir.

15 Mr. Weisberg, are you still on the phone?

16 MR. WEISBERG: I am, Mr. Chairman, thank you.

17 THE CHAIRPERSON: Please go ahead.

18 **SUBMISSIONS BY MR. WEISBERG:**

19 MR. WEISBERG: Thank you. I will move immediately to
20 submissions on the four questions that the Commission
21 set out in Exhibit A-34. It's VEVA's position that
22 there is a significant risk to broaden the scope of
23 the inquiry of perhaps to an extent that the inquiry
24 bogs down or it becomes difficult to move at a
25 reasonable pace.

26 **Proceeding Time 10:33 a.m. T30**

1 Specifically where we think those sort of
2 hazard areas might be would be in non-essential
3 issues, issues that perhaps are very interesting and
4 certainly relevant in a much broader context, but not
5 getting to what Chargepoint has framed as threshold
6 issues, or Mr. Andrews from BCSEA has framed as
7 essential issues.

8 Another area potentially getting bogged
9 down are what might be considered to be future issues
10 that depend on something else happening, specifically
11 perhaps a determination by the Commission or some
12 other event before they sort of move to the fore.

13 And finally, the sort of third area of
14 potential hazard of getting bogged down would be
15 detailing in this inquiry issues that might best be
16 addressed in other forums. And as an example of that
17 Point 2, Utilities Specific Procedure before the
18 Commission and things that might occur there.

19 I'd now like to turn to the list of scope
20 items that were provided in Appendix B to Exhibit A-
21 34, and what VEVA has done, and I hope that this is
22 helpful to some extent, is we've basically broken
23 those scope items into the three categories. The
24 first one being ones that we believe should be in
25 scope in what we would foresee to be a phase 1
26 component of the inquiry, and that would be to deal

1 with and address again what has been identified as
2 threshold or essential issues. In that bucket we
3 would see, from the list in Appendix A, scope items 3,
4 6, 7, 14, 15.

5 The second category that we've identified
6 would be items that are in our view in scope but would
7 best be deferred to either a phase 2 of the inquiry
8 after determination has been made on the threshold
9 issues or perhaps to a different forum, like the
10 utility-specific proceedings that I mentioned a moment
11 ago. In that bucket we would see scope items 9, 10,
12 16 and 18.

13 THE CHAIRPERSON: Sorry, is that 15 or 16, you said,
14 sir?

15 COMMISSIONER FUNG: Sixteen.

16 THE CHAIRPERSON: Sixteen, okay.

17 MR. WEISBERG: I'm sorry, 16 and 18.

18 THE CHAIRPERSON: Yeah, thank you.

19 MR. WEISBERG: And then finally, Mr. Chair, we would
20 have a category that we would consider, at least for
21 purposes of certainly for phase 1 of this inquiry to
22 be out of scope, and those would include scope items
23 1, 2, 4, 5, 8, 11, 12, 13, 17, 19, 20.

24 So with those three buckets in mind, I'm
25 going to step quickly through the 20 items and just
26 add a very quick comment to hopefully put it in

1 context why we have categorized them as we have.

2 So for the first question, we believe that
3 it is out of scope and I'll just qualify that by
4 saying for the most part I think it can inform the
5 threshold issues. But in our view, it doesn't go
6 directly to one of the threshold questions, as to
7 whether the Commission should regulate the services
8 provided by EV charging stations.

9 In VEVA's submission, there is sufficient
10 evidence on electric (inaudible) eventually to
11 determine the question of jurisdiction.

12 **Proceeding Time 10:37 a.m. T31**

13 On scope item number 2, again we would
14 consider that to be out of scope for the most part.
15 We would observe as well that the -- for private
16 sector EV charging stations, they don't appear to
17 break them neatly into the categories (a) through (g)
18 that are included in that scope item number 2.

19 Scope item number 3, we would see that as
20 in scope for phase 1 of the inquiry. We see it
21 relating to really the fundamental question, whether
22 the regulated services provided by EV charging
23 stations.

24 Number 4, we consider that to be out of
25 scope, and don't believe that it is sufficient at this
26 time to consider what might trigger the need for a

1 review some years down the line. We would suggest
2 that perhaps that most of it might be an intention to
3 consider a review after a set period. I suggest then
4 that -- hoping that might be five years.

5 Scope item number 5, we also see that as
6 out of scope, as in our view it raises in the nature
7 of the follow-up exercise.

8 Scope item number 6, we believe that it
9 should be in scope for phase 1. Again, it speaks
10 directly to one of the threshold questions.

11 Number 7, we believe it should be in scope
12 in phase 1, for the same reason that was provided with
13 respect to scope item 6.

14 Scope item 8, we believe it should be out
15 of scope. It doesn't appear to have significance
16 unless and until a determination is made that a non-
17 utility charging station, or stations, will be
18 regulated. And that is precisely one of the questions
19 that we believe very strongly should be addressed as
20 soon as possible in the first stage of the inquiry.

21 Scope item number 9, we believe it should
22 be in scope but in phase 2. So we suggest that it be
23 deferred for further process, or perhaps final
24 argument, after phase 1 issues have been determined by
25 the Commission.

26 Scope item number 10, defer it to phase 2

1 for the same reason I just provided with respect to
2 scope item 9.

3 Scope item D-11, we believe is out of
4 scope, and it seems too far removed from the threshold
5 questions that the Commission needs to address.

6 Scope item 12 we believe is out of scope.
7 That one we believe might be more appropriate to have
8 addressed by a specialized consultant, perhaps
9 retained by the Commission. And we also see it as a
10 phase 2. It's typically removed from the threshold
11 questions that have been identified.

12 Number 13, we see that as out of scope. As
13 again, being too far removed from the threshold
14 questions.

15 Number 14 we see it as in scope for phase
16 1. And would suggest that that issue or item to be
17 addressed in phase 1 with recognition that there may
18 be details that would have to be worked out later, and
19 that we would suggest would be addressed if there was
20 a phase 2 of this inquiry.

21 The same comment applies for number 15,
22 which we see as in scope in phase number 1, with some
23 potential deferral of a few of the details in phase 2.

24 Scope item 16 we believe is in scope for
25 phase 2. And that's one where we see a likelihood,
26 perhaps, that it could be addressed in utility-

1 Now, regarding the Fortis suggestion for a
2 preliminary report before final argument, VEVA would
3 not be opposed to that suggestion, but it is not our
4 preference. Our strong preference is to proceed to
5 final argument now on a subset of threshold for
6 essential issues.

7 Part (b) is number 2, seeks comment on the
8 adequacy of the evidentiary record. VEVA does not see
9 any significant gaps in the evidence, at least as it
10 relates to the threshold or essential issues. And it
11 doesn't appear to us that more evidence is needed at
12 this time. If a base approach is adopted as VEVA is
13 suggesting and others have suggested as well, then it
14 may become clear later, we assume either in phase 2,
15 or in utility-specific proceedings, or maybe even some
16 other forum, what evidentiary gaps are left to be
17 filled.

18 The Commission's question number 3,
19 regarding the timeline, we would strongly support a
20 timeline that had final argument from all interveners
21 due around the mid-point of September. The two
22 driving reasons for that are, as Mr. Christian alluded
23 to the vacation schedules, that the great number of
24 parties involved in this perhaps -- but also the
25 significant volume of submissions that have been filed
26 to date and the time that will be needed to pull them

1 together.

2 We would be supportive as well of a right
3 of reply to all interveners simultaneously and would
4 suggest that that should take place two to three weeks
5 following submission of final argument of interveners
6 in mid-September.

7 And finally on number 4, on any other
8 procedural or scope matters it's -- we'll comment on
9 your question, Mr. Chair, regarding hydrogen fuelling.
10 VEVA's position is that it is certainly important and
11 is a technology of -- that we're interested in, but we
12 don't see it as a current priority issue and see it
13 involving certainly a set of issues that are quite
14 different than EV charging. So we do not see that as
15 a reason to hold up in any way proceeding with the
16 determination of the threshold issues before you.

17 Subject to any questions, those are my
18 submissions. Thank you.

19 THE CHAIRPERSON: Thank you, Mr. Weisberg.

20 Mr. Miller, will Staff have a --

21 COMMISSIONER HAROWITZ: We've got one more.

22 THE CHAIRPERSON: I know, I know.

23 Will Staff be having a submission?

24 MR. MILLER: Staff will have a very brief submission in a
25 couple minutes.

26 THE CHAIRPERSON: Okay, thank you.

1 Mr. Littlejohn?

2 **SUBMISSIONS BY MR. LITTLEJOHN:**

3 MR. LITTLEJOHN: Thank you, Chair. With Community Energy
4 Association, we're generally good with the scope in A-
5 34 and generally in support of City of Vancouver's and
6 Ministry of Energy and Mines comments on scope and
7 things that could usually be excluded. And supportive
8 of Fortis comments on materiality and proportionality
9 given the size of the EV charging market.

10 **Proceeding Time 10:48 a.m. T33**

11 We have a couple of other comments on
12 scope, just to ensure that there is a sufficiently
13 broad definition of the word "services" within the
14 scope. That goes beyond the physical charging of the
15 vehicle and includes the ongoing maintenance in a
16 general state of readiness of notification of users of
17 planned outages and things like that. So, just
18 confirming what services actually mean.

19 We also think that there may be an
20 opportunity depending on the next process that we go
21 through here, to move fairly quickly to some form of
22 consensus on level 1 and level 2 charging. From the
23 evidence that we have a strong consensus already
24 starting to emerge around exemptions for that in terms
25 of entities charging for level 1 and level 2 being
26 utilities. We -- so, and that would again help focus

1 perhaps the rest of our time on the rather meatier
2 issue of level 3 charging.

3 There may be -- and again, this may be
4 embedded in there, but there might be an opportunity
5 to provide guidance on what kind of an agreement or
6 service level agreement or documentation might be
7 appropriate if the Commission does choose to regulate
8 services for level 3 charging. And we recognize that
9 hydrogen is quite a different beast and should
10 probably be handled separately. We're not really sure
11 what the Commission would actually do in that -- given
12 the nature of that market. In terms of evidence we
13 don't really have much of an opinion right now if
14 there's sufficient evidence or not, we will defer to
15 other in the room for that.

16 Timeline, we like the idea of kind of the
17 first or third week of September, that seems to be
18 reasonable given what we've heard. We will reiterate
19 the urgency aspect raised by BCSEA and the Sierra
20 Club. We understand both utilities have grant
21 applications into NRCAN for further DC fast chargers.
22 The Energy Association has a project initiated along
23 Highway 16 and 97 similar to our accelerate Kootenay's
24 project, where we're going to have to figure out
25 ownership operations models, probably in the fall.

26 So, while not everything needs to be

1 settled, ideally there would be some direction from
2 this inquiry as to the role of utilities and some
3 enablement for your utilities to actively and
4 vigorously participate in EV charging deployment.

5 We support the comment by UDI that this
6 process may benefit from a collaborative workshop
7 approach at some point. There may be an opportunity
8 to link that with the Fortis concept of a preliminary
9 report. Again, depending on Commission resources and
10 timing, that could be created. You know, having that
11 out and then having a workshop based on that report on
12 specific topics, we could even see rotating breakout
13 groups and things like that to make the best use of
14 the large brains that we have in this room.

15 So that's our initial comments.

16 THE CHAIRPERSON: Thank you. Any questions? No. Thank
17 you, sir.

18 **SUBMISSIONS BY MR. MILLER:**

19 MR. MILLER: Mr. Chair, Staff have submissions on two
20 issues. First the sufficiency of the record, and
21 second on process moving forward.

22 So, Staff has heard submissions today on
23 both sides of the sufficiency of the evidentiary
24 record. On the one hand people believe the record
25 could be improved on certain scope items, and there
26 appears to be agreement on some of the other scope

1 items that the record is full. Staff's view is, well
2 they see merit in both the positions. This market is
3 evolving, and we've also heard comments on the need
4 for some guidance in the near future because decisions
5 are going to be made that depend on the findings made
6 here. So, weighing those two factors, Staff believes
7 that although the record may not be perfect, it is
8 sufficient for this Panel to move forward and make
9 findings.

10 The second issue is the process moving
11 forward. So in answer to Ms. Worth's query and Mr.
12 Littlejohn's query, Staff believe that sufficient
13 resources are available at the Commission. If the
14 Panel member so chose a draft report could be prepared
15 and circulated.

16 **Proceeding Time 10:53 a.m. T34**

17 There may be time efficiencies in respect
18 of that, at least staff believes they are available
19 over the summer to assist the panel in preparing the
20 report. So that may get a draft report out quicker
21 than some of the timelines suggested by the other
22 parties with respect of filing an argument in either
23 late summer or early fall. So, there may be an
24 efficiency there.

25 On the other hand, the more usual route is
26 that which was first suggested by Hydro and the usual

1 practice, as I indicated, which is moving to argument.
2 We see them as both valid routes that can be taken,
3 but we do think there are time efficiencies with the
4 proposal put forward by Fortis.

5 THE CHAIRPERSON: Does the Staff have any comment on two
6 items, one is the suggestion for workshops and the
7 other is a suggestion for a phased approach with a
8 phase 1 report coming sooner rather than later?

9 MR. MILLER: So, with respect to the workshop, there's
10 been, at least as I understood it, two options put
11 forward. One holding the workshop before the draft
12 report comes out, and I believe Mr. Littlejohn, if I
13 heard him correctly, maybe I didn't, is maybe do a
14 workshop after the draft report comes out. Staff
15 believes both are possible solutions, which may help
16 inform, in either case, the final arguments of the
17 parties.

18 And with respect to a phased approach,
19 Staff again believes there may be efficiencies or
20 there will be or surely could be, we never can predict
21 exactly, but there could be efficiencies gained by
22 addressing what some people call the threshold or
23 fundamental items rather than having everyone to
24 address every item which may not at the end of the day
25 need to be done when we look at it in hindsight.

26 THE CHAIRPERSON: And the procedural fairness issues

1 we've heard here, I think we've heard them around the
2 need for another IR and certainly around the issue of
3 issuing the final -- sorry, issuing a draft report
4 without any submissions.

5 MR. MILLER: On procedural fairness, procedural fairness
6 is contextual. What's fair in one circumstance may
7 not be fair in another. And this is not your usual
8 procedure before the Commission. We don't have an
9 application by a party which will affect directly
10 people. This is, we are preparing a report. In that
11 circumstance, which may lead to recommendations and
12 there's going to be further process afterwards. My
13 submission in those circumstances, and the ones we're
14 finding ourselves in in preparing our report, lesser
15 procedural fairness is required. And I see nothing
16 unfair in proceeding in any of the methods that the
17 parties have suggested depending on how the panel
18 proceeds. I just don't see procedural fairness
19 issues. There may be issue with respect to we would
20 like more information, but those aren't procedural
21 fairness issues.

22 COMMISSIONER FUNG: Thank you, Mr. Miller.

23 THE CHAIRPERSON: Thank you, Mr. Miller. So, before we
24 go back up the list, I would like to take a short
25 break and come back at ten after. Thank you.

26 **(PROCEEDINGS ADJOURNED AT 10:57 A.M.)**

1 **(PROCEEDINGS RESUMED AT 11:10 A.M.)**

T35/36

2 **THE CHAIRPERSON:** Please be seated. Thank you.

3 Okay. So we're going to go back up the
4 list. And everyone has an opportunity then to comment
5 on anything that you've heard previously.

6 So, going back up the list then, Community
7 Energy Association, Mr. Littlejohn. Do you have
8 anything further to add?

9 **REPLY BY MR. LITTLEJOHN:**

10 **MR. LITTLEJOHN:** Thank you. Just to build on the
11 previous points, it is good to hear that Staff do have
12 some capacity over the summer that there may be some
13 value in moving forward on a preliminary report. If
14 we do have a preliminary report, and then a workshop
15 focused on specific issues arising within the report,
16 or topics or sections that are above the report,
17 perhaps then there are -- there is proceedings or a
18 synthesis of the workshop, and the verbal discussion
19 in there, that interveners then have an opportunity to
20 comment on before the Commission moves to its final
21 decision on the topics. And that's my only
22 consideration.

23 There could an even more nuanced approach
24 with certain higher-priority -- or certainly more time
25 sensitive topics being given priority and then perhaps
26 some other topics that are important, but not time-

1 sensitive, delayed a little bit for a kind of a phase
2 process.

3 THE CHAIRPERSON: Okay.

4 MR. LITTLEJOHN: So that's my only comments.

5 THE CHAIRPERSON: Thank you, sir.

6 Okay, so next is Mr. Weisberg. Are you
7 still on the phone?

8 MR. WEISBERG: I am, Mr. Chairman, thank you. We
9 appreciated the submissions of Commission Staff, but
10 we have no further submissions of our own. Thank you
11 for the opportunity.

12 THE CHAIRPERSON: Thank you, sir.

13 Mr. Myrans, anything further to add?

14 **REPLY MR. MYRANS:**

15 MR. MYRANS: Just with regard to timing. Again,
16 impressing the urgency to try and wrap this up as soon
17 as possible, However Staff and others see fit. But we
18 do see this as an urgent issue. Thanks.

19 THE CHAIRPERSON: Okay, thank you.

20 ChargePoint, Mr. Manhas?

21 **REPLY BY MR. MANHAS:**

22 MR. MANHAS: Just two comments, Panel. One, Mr. Weisberg
23 has suggested a similar approach to us, but that's why
24 we expanded the scope of what he considers the
25 threshold issues, to include sort of big-picture
26 questions about what is the role of public utilities

1 and the EV charging market. It's ChargePoint's
2 submission that that question is probably better
3 addressed as part of a second phase, in the context of
4 a broader discussion of what utility policy should be
5 in relation to EV charging stations.

6 As mentioned, this is the approach that's
7 been taken in a number of other jurisdictions, and
8 that said, we're not opposed to the approach that Mr.
9 Weisberg has suggested.

10 And my second comment is, the Commission
11 Panel raised the issue of procedural fairness -- or,
12 sorry, the Commission Staff raised the question of
13 procedural fairness, and how it doesn't necessarily
14 apply in these circumstances. I agree that procedural
15 fairness does not necessarily demand further
16 arguments, if the Commission wants to go to a
17 preliminary report. But I just simply note that the
18 expanded scope of issues, if that is what the
19 Commission is addressing, has not been directly
20 addressed by the parties in the proceeding. And going
21 forward with parties' evidence on the initial scope of
22 issues, where there has now been IRs and there was
23 synthesis of the record, I think it's probably less
24 efficient for the Commission, especially in light of
25 the submissions in relation to a phased process. And
26 that would be our preference.

1 Thank you.

2 THE CHAIRPERSON: Thank you, sir.

3 Mr. Rogoza? Scrap-It Society?

4 COMMISSIONER HAROWITZ: You missed CEC.

5 COMMISSIONER FUNG: No.

6 THE CHAIRPERSON: I'm missing -- oh. I did, sorry.

7 Commercial Energy Consumers, Mr. Weafer.

8 Sorry, Mr. Weafer.

9 **REPLY BY MR. WEAFER:**

10 MR. WEAFER: Not at all. Not at all, Mr. Chairman.

11 I would like to firstly adopt Mr. Manhas's
12 comments and I want to be very clear. It's not just a
13 procedural fairness issue that concerns the CEC with
14 respect to a right to make submissions. It's that the
15 CEC -- someone had mentioned earlier that some people
16 filed argument and some people filed evidence. We
17 haven't filed argument. We filed some evidence. So
18 you'll have argument before you and then others who
19 may have filed evidence, and now we have a broader
20 scope of material on the record that may have affected
21 the CEC's views. So, not having those submissions I
22 think will be detrimental to the panel, in that you
23 won't really know what their positions are, when you
24 are writing a preliminary report.

25 **Proceeding Time 11:15 a.m. T37**

26 So I just make that comment. It's not just

1 procedural fairness, it's also efficiency and
2 effectiveness. Because if you issue a preliminary
3 report based on an interpretation of CEC's position,
4 and then we're writing argument afterwards, that's not
5 productive. If you're going to spend the summer
6 writing a decision, then rewriting it in the fall, if
7 parties have input inconsistent with what you've
8 determined. So I just make that point.

9 THE CHAIRPERSON: Okay.

10 MR. WEAVER: There have been a number of comments on
11 process since I spoke and I'm not trying to -- I'm
12 just trying to show an adaptability to what's been
13 said by others. So I just want to propose a process.
14 Is that fair?

15 THE CHAIRPERSON: Yes.

16 MR. WEAVER: Okay, so if -- the phased approach has been
17 suggested by a number of parties and the CEC doesn't
18 object to that, but the proposal on the phased
19 approach would be that the Commission will issue a
20 scoping decision from this proceeding, and the phase
21 1, if there is to be one, you take submissions on
22 phase 1 from parties, and then render a decision on
23 phase 1, these threshold questions, and the CEC is not
24 taking a firm position of which of the threshold
25 questions. Others have stronger views on what should
26 fall into that category, so we would participate in

1 that.

2 We then go to the phase 2 issues, the more
3 eclectic mix of issues, for lack of better term, and
4 there we would encourage the workshop type process and
5 then submissions by parties and then a decision by the
6 panel on the phase 2 process.

7 So those are my reply submissions.

8 THE CHAIRPERSON: Okay.

9 MR. WEAVER: Thank you.

10 THE CHAIRPERSON: Thank you. The Scrap-It Society. No
11 further submissions, I assume.

12 Ms. Worth, BCOAPO?

13 **REPLY BY MS. WORTH:**

14 MS. WORTH: Mr. Chair, members of the panel, I'd like
15 to begin by adopting Mr. Weaver's comments regarding
16 the procedural fairness issue. Those are of concern
17 to BCOAPO as well.

18 Aside from that, having heard from
19 Commission Staff and the other parties in this
20 process, BCOAPO is content to go forward with either a
21 phased approach, utilizing the workshop model that was
22 suggested by Mr. Weaver, or directly to the written
23 final arguments that -- or the original proposal
24 brought forward by BC Hydro. We would intend to
25 participate fully in whatever process this panel
26 decides is appropriate.

1 Subject to any questions, those are my
2 reply submissions.

3 THE CHAIRPERSON: Thank you, Ms. Worth.

4 MS. WORTH: Thank you.

5 THE CHAIRPERSON: AddÉnergie Technologies. Mr. Allan,
6 are you still on the phone.

7 MR. ALLAN: I am, Mr. Chair. AddÉnergie has no further
8 comment at this time, unless you have questions for
9 me.

10 THE CHAIRPERSON: Do we have questions? I don't believe
11 so. No, thank you, sir.

12 Ms. Craig, Energy and Mines have anything
13 further?

14 **REPLY BY MS. CRAIG:**

15 MS. CRAIG: I did want to address a couple of issues
16 that have come up in terms of process and that would
17 be the suggestion of a phased approach and also the
18 workshop suggestion.

19 I think any determination of a phased
20 approach really relies on the decisions that the
21 Commission makes regarding scope. Certainly with the
22 scope submissions that the Ministry has made, if those
23 were accepted by the Commission, we wouldn't see any
24 need for a phased approach because we would think that
25 everything we've suggested that is in scope is key to
26 the results of the inquiry and would be an integral

1 part of it.

2 Certainly, though, if the Commission
3 decides that everything in the proposed expanded scope
4 does fit within the scope of the inquiry, then I think
5 yes, we would be supportive of having a phase 2
6 process to deal with those issues that we suggest
7 would more properly be out of scope and allow some of
8 those key issues to be addressed in phase 1.

9 In terms of the workshop suggestion, while
10 I don't think the Ministry is necessarily opposed, at
11 this time it would be hard to support the suggestion
12 without some further information about what issues
13 would be discussed at the workshop and how those would
14 proceed. And again I would suggest that any decision
15 about the nature of the workshops really depends on
16 decisions that the Commission might make regarding
17 scope.

18 **Proceeding Time 11:20 a.m. T38**

19 I've heard suggestions that the workshops
20 could be used to debate some of the issues that the
21 Ministry has suggested would be out of scope. If
22 that's the intention, then maybe those workshops again
23 could happen in a phase 2, or at a later time.

24 Happy to have any -- answer any questions.

25 THE CHAIRPERSON: Okay, thank you.

26 MS. CRAIG: Thank you.

1 THE CHAIRPERSON: Thank you very much.

2 Mr. Guthrie?

3 **REPLY BY MR. GUTHRIE:**

4 MR. GUTHRIE: In my presentation I cherry-picked the list
5 of scope items and said I'd like this one in and this
6 one out. I like the idea of taking that list that you
7 have before you and ranking or prioritizing it into
8 phases, so that the critical items are dealt with
9 first. That addresses the timing issue that other
10 participants today spoke to.

11 It also simplifies the process, in that we
12 don't have a whole bunch of other issues dirtying up
13 the initial analysis, if you will. So I would support
14 some sort of a phased approach, one, two, or three.

15 In terms of the workshop idea, I'm not sure
16 exactly what that would be involved. In part I guess
17 it's subject to what happens in the phasing or the
18 breaking down of the items and setting priorities
19 there. So I don't have a position on that.

20 THE CHAIRPERSON: Thank you.

21 Richard Tennant?

22 **REPLY BY MR. TENNANT:**

23 MR. TENNANT: Thank you, Mr. Chairman. I'd certainly
24 appreciate the opportunity to continue on with our
25 argument about hydrogen, and I don't think it should
26 be excluded from the scope of this proceeding at all.

1 It's definitely got a great deal of bearing on
2 electric vehicles, on the whole, and there's been
3 issues brought up here with regard to somehow
4 integrating your process here with what's been
5 happening in California. And they would certainly
6 disagree with a statement that hydrogen needs to be a
7 separate issue, and it's got nothing to do with
8 electric vehicles.

9 So that's what I would like to add, is that
10 I would certainly appreciate the opportunity to polish
11 up my argument on that. Thank you very much.

12 THE CHAIRPERSON: Thank you, sir.

13 Sorry, I got out of turn with Greenlots.
14 My apologies.

15 MR. ASHLEY: It's okay, sir.

16 THE CHAIRPERSON: But we'll hear Greenlots now.

17 **REPLY BY MR. ASHLEY:**

18 MR. ASHLEY: Well, thank you. I think all I'd really
19 like to add -- I think we have identified maybe some
20 support for flexibility and, you know, temporally
21 addressing different scope items. And I think I would
22 submit that Greenlots doesn't necessarily feel that
23 there are clearly defined threshold issues here.
24 There really are just a range of issues that are all
25 relevant in different ways. And so we would encourage
26 the Panel to use its discretion in identifying what

1 issues may be best approached in the near term, versus
2 others that may be, you know, grouped for further
3 discussion or inquiry.

4 But I would also say that, you know,
5 however the Panel approaches that, if there is a
6 temporal approach, that those issues that are
7 identified as first priority or near term, those are
8 not necessarily going to go away and be fundamentally
9 resolved going forward, even though I think we all are
10 hoping for, you know, better guidance and
11 understanding how to approach. So there may be some
12 of those issues that, while a report or interim
13 decision or indeed a final decision may be made, some
14 of those may sort of live on and need to be
15 readdressed or further considered going forward. But
16 that's all I would add.

17 THE CHAIRPERSON: Thank you, sir.

18 MR. ASHLEY: Thanks.

19 THE CHAIRPERSON: Mr. Ahmed?

20 MR. AHMED: I have nothing to add, Mr. Chair, unless
21 there are any questions.

22 THE CHAIRPERSON: No, I think that's great. Thank you,
23 Mr. Ahmed.

24 Mr. Fisher?

25 **REPLY BY MR. FISHER:**

26 MR. FISHER: Thank you very much, panel. We would have a

1 concern if issues were starting to get removed from
2 the scope of the inquiry, especially with regard to
3 EVC services in new buildings that our members built.

4 **Proceeding Time 11:25 a.m. T39**

5 I can tell you there is a lot of confusion
6 amongst our members in terms of the go-forward on
7 this. It's not clear, for instance, if, you know,
8 under the legislation a strata owner is deemed to be a
9 tenant or if our developer provides EVC services in a
10 mall, are the shoppers that use it, are those tenants?

11 We do recognize, and I certainly heard
12 today there are others that have priority issues, and
13 I don't want to get in the way of that. Therefore we
14 would support the idea of some sort of phased
15 approach.

16 We agree with the suggestion of a
17 preliminary report. It would be far easier for me to
18 get information from my members on the ground if I
19 could point to a report as opposed to "Go to this
20 website and read the dozens of reports that are on
21 there."

22 In terms of the timing of that, vis-à-vis
23 my suggestion around having a workshop, I am flexible
24 either way. I would just note that if you issued a
25 preliminary report and then had the workshops, you
26 might have to have a report afterwards based on those

1 workshops that people would then comment on.

2 I also would like to say I support the
3 Neandrea [*sic*] Association's position about maybe
4 broadening the definition of services. Thanks very
5 much.

6 THE CHAIRPERSON: Thank you. Recharged Technologies?
7 Oh, they are not here. Okay.

8 B.C. Sustainable Energy Association, Mr.
9 Andrews?

10 **REPLY BY MR. ANDREWS:**

11 MR. ANDREWS: I have three points to address. The first
12 was a point raised by Ms. Craig from the Ministry for
13 Energy, Mines and Petroleum resources, regarding at
14 least what -- at least the way I characterize it as
15 language in the scope descriptions. I think there is
16 some really important language issues there, and I am
17 not going to make submissions on how they should be
18 resolved, but I do want to identify that for example
19 the term "Private company" is used in a context in
20 which I would interpret it to mean any legal entity
21 that isn't BC Hydro or FortisBC. And yet the term
22 "private company" to many people, intentionally
23 excludes municipalities, First Nations, non-profit
24 associations, public companies and so on. And I don't
25 know that that was the intention.

26 Even somewhat more complicated and more

1 important is the term "public utility" itself.
2 Because we are -- in some places the term "public
3 utility" is used when what it really means is
4 apparently BC Hydro and FortisBC. There are, in my
5 submission, generally sort of three categories that we
6 are dealing with here. There is the BC Hydro and
7 FortisBC. The second is what I would call a "public
8 utility", providing EV charging services, that would
9 not be a public utility as defined in the Act but for
10 providing the EV charging services.

11 Then there is a third category of public
12 utilities that doesn't get mentioned, but I think it
13 should be addressed at least sort of in a footnote or
14 somehow, is that there are many other public
15 utilities. FortisBC Energy Inc., the gas utility, for
16 example, is a fully regulated public utility. It has
17 no stated intention to do EV charging, but if
18 statements are made about the role of regulated public
19 utilities, we need to be clear whether we're intending
20 to include all the public utilities, or simply
21 FortisBC and BC Hydro.

22 Turning to the topic of the phased
23 approach, I strongly agree with that. I think I would
24 even put it in two categories. Some of the decisions
25 that the Commission will be addressing require further
26 detail. And in that sense, maybe minimal to a phased

1 approach.

2 **Proceeding Time 11:29 a.m. T40**

3 Also, there are different topics. So Mr.
4 Manhas for ChargePoint identified three threshold
5 issues to do with what I would call the cold public
6 utilities. Are they public utilities? Are they in
7 the jurisdiction of the Commission? So should there
8 be regulation or not? It was in that context that I
9 had as a second category the appropriate role for BC
10 Hydro and FortisBC. And so whether in the end the
11 Commission decides to limit it to the category that
12 ChargePoint suggested, or they want to also address
13 the appropriate role of BC Hydro and FortisBC, those
14 are two possibilities for consideration.

15 And the third that I identified was the
16 whole rate schedules issue, and that was where I was
17 suggesting not. But those would be three examples to
18 me where a phased approach could be a way of saying
19 these are important issues for the Commission to
20 grapple with but not before we deal with whatever we
21 have determined is the top priority for getting
22 something decided in the short term.

23 In terms of process, while the concept of a
24 workshop is inherently a good idea, we would not
25 support a workshop prior to the process in which the
26 Commission makes a determination, either final on the

1 inquiry or final for the first phase. Again, this, I
2 think goes to the approach that I suggested which is
3 that the Commission should take a step-by-step
4 approach rather than dealing with the whole tamale all
5 at the same time.

6 In terms of a preliminary report, to me the
7 key is that it would really help the parties to focus
8 their arguments and submissions to the panel if the
9 panel was to articulate the topics that it wanted
10 submissions on, and even its inclination as to the
11 results that it may be looking toward delivering.
12 Whether that takes the form of a full preliminary
13 report or questions that participants are invited to
14 address I won't take a position on. I do understand
15 that there's an argument made that to date we have not
16 had argument as such. We've had "evidence" – putting
17 that in quotes – and so it could be helpful for the
18 Commission to have a round of argument.

19 But in my submission the key thing is to be
20 getting direction from the panel as to what issues it
21 intends to specifically focus on, and even to the
22 extent of where its inclined to go on those issues,
23 and then to move as quickly as is practical to
24 achieving that.

25 Subject to any questions, those are my
26 submissions.

1 THE CHAIRPERSON: Thank you, Mr. Andrews.

2 Mr. Li.

3 **REPLY BY MR. NEVILL:**

4 MR. NEVILL: I'll start this time.

5 So, in general what we've been hearing is
6 that there seems to be two levels of interest in
7 expediting this process. There are a number of
8 private sector operators who are thinking about
9 investment decisions and so forth, that have a high
10 level of urgency, versus -- I shouldn't say private
11 sector. Non-utility participants who have a much
12 higher level of urgency versus public sector utilities
13 which also have a number of issues that probably have
14 a longer timeline, and certainly if the Commission
15 were looking at a more phased approach I would
16 consider maybe parsing those out where possible from
17 the expanded scope.

18 In particular there were questions about
19 removal of items 9 and 10 and we would support
20 AddÉnergie's position that those need to stay in in
21 some form in the scope, as they relate to utility
22 rates. That doesn't necessarily mean that the
23 Commission needs to come to a conclusion on what those
24 rates should be, but simply how and when they
25 deregulated and how utilities can be used to enable a
26 future EV charging market.

1 all of the stakeholders in the city, and we
2 particularly are grateful for the Commission to
3 undertaking this process. We understand that this is
4 the first process of its kind in British Columbia and
5 I also understand perhaps in Canada.

6 It's a very comprehensive process, and our
7 view is that the Commission panel should take the
8 amount of time and implement the process that it
9 believes is necessary to come out with, as our friend,
10 Mr. Weafer indicated, an exceptional outcome.

11 With that in mind, I'd like to address the
12 first point with respect to the phasing or narrowing
13 the list of issues in the first phase. We support
14 that. However, based on my recollection, that
15 specific question has never been put to the
16 interveners, and again we support the statement made
17 by Mr. Weafer on behalf on the CEC, which is that
18 prior to issuing a preliminary report the City of
19 Vancouver would think that the panel would like to
20 have as much information as possible, including final
21 argument.

22 And so what we are suggesting is perhaps a
23 hybrid approach of final argument. I had indicated
24 earlier, followed by IRs. I stand corrected. What I
25 meant was reply argument. So final argument. We
26 believe that under this hybrid approach maybe there

1 isn't a need for reply argument, but go straight to a
2 preliminary report with an opportunity to comment,
3 followed by a final report.

4 The other benefit of having a final
5 argument before the preliminary report is essentially
6 to solicit the information that ourselves and others
7 have submitted today with respect to scope
8 refinements. If there isn't a final argument, we and
9 others would not have an opportunity to make our
10 submissions with respect to those refinements.

11 I'd be pleased to answer any questions.
12 Those are my submissions.

13 THE CHAIRPERSON: Thank you, sir. Thank you.

14 MR. LI: Thank you.

15 THE CHAIRPERSON: Is Drive Energy still on the phone?
16 Drive Energy?

17 Okay, then Mr. Austin.

18 **REPLY BY MR. AUSTIN:**

19 MR. AUSTIN: I've got three points to make. The first
20 is in relation to this concept of a preliminary report
21 and reference was made to the Site C proceedings. In
22 terms of the Site C proceedings before the BCUC came
23 out with its preliminary report, or the Panel came out
24 with its preliminary report, it had the benefit of not
25 one, but two reports by Deloitte's.

26 So, in terms of focussing and narrowing the

1 issues to be considered, there was a considerable body
2 of evidence.

3 In this particular hearing we don't have
4 that.

5 **Proceeding Time 11:38 a.m. T42**

6 The Clean Energy Association of B.C. would
7 support the Urban Design Institute's idea of having a
8 workshop prior to the issuance of a preliminary
9 report, and in a sense that would serve the same
10 function of the Deloitte reports, which narrowed and
11 not necessarily focused, but brought attention to
12 certain issues before the panel issued its preliminary
13 report in the Site C process.

14 The second point that I'd like to make is
15 in relation to the Ministry of Energy's suggestion
16 that the definition of "public utility" in the
17 *Utilities Commission Act* is clear when it comes to the
18 provision of free energy services. And in my
19 experience with the definition of "public utility"
20 it's not clear, because of the words "for
21 compensation". And I'll give you an example.

22 If a mall owner installs electric vehicle
23 charging stations, and says they're free, they're not
24 free. Somebody has had to pay for the capital for
25 those charging stations, and somebody's going to have
26 to pay for the electricity that's needed to purchase,

1 unless it's self-generated for those charging
2 stations. So the idea of "for compensation" can cover
3 something that looks free, but it's actually not.

4 So then in terms of these proceedings, the
5 Clean Energy Association of B.C.'s suggestion to the
6 Commission is not to look at a narrow concept of
7 "free" or "not free" or "for compensation" or "not for
8 compensation", but stay at the level of, are electric
9 vehicle charging stations to be regulated in any
10 event?

11 Because it's going to be really difficult
12 to sort out even in terms of the strata, whether that
13 electric vehicle charging station is being provided
14 for compensation or not. And the Clean Energy
15 Association of B.C. suggests that 99.99 percent of
16 circumstances, there will be compensation some place
17 in the chain.

18 With respect to the submission of narrowing
19 the scope, the Clean Energy Association of B.C. would
20 say, "Please do not eliminate point number 9 in
21 Appendix A to Exhibit A-34." And I can illustrate
22 this by example. Let's suppose somebody decides to
23 invest in electric vehicle charging stations. Let's
24 suppose that the Utilities Commission has decided that
25 electric vehicle charging stations provided by a
26 public utility - in this case meaning Fortis or BC

1 Hydro - or a party, a third party, are not subject to
2 regulation, we've only covered one-half of the
3 equation. Because the other half of the equation is,
4 unless from Fortis or BC Hydro, I have to purchase
5 electricity for my capital investment in terms of my
6 electric vehicle charging station.

7 **Proceeding Time 11:42 a.m. T43**

8 So what could happen there is, if the
9 utilities say, for example, come up with expensive
10 interconnection processes, including studies, or they
11 come up with a separate rate for supply of electricity
12 to those electric vehicle charging stations, those
13 monopolies in terms of suppliers of electricity can
14 thwart the competitive model that the Utilities
15 Commission may have introduced with respect to whether
16 they are regulated services or not.

17 So you have to pay attention to not only
18 the provision of service through electric vehicle
19 charging station, but take it upstream one measure and
20 make sure that those electric vehicle charging
21 stations have access to electricity from the utilities
22 that may be their competitors in the electric vehicle
23 charging station market.

24 So it would not be a wise idea to narrow
25 the scope through the elimination of point number 9.

26 The other thing is that at this point in

1 time, there may be opportunities, very very narrow
2 ones, for electric vehicle charging stations to secure
3 their own supplies of electricity, but we also have to
4 remember that retail access is not allowed in this
5 province at this point in time. So that's another
6 thing in terms of if you're establishing a competitive
7 market, you have to look at least one step upstream in
8 terms of where the electricity is going to come from
9 for those electric vehicle charging stations should
10 they be unregulated.

11 Subject to any questions, I have no further
12 submissions.

13 THE CHAIRPERSON: Thanks, Mr. Austin. Thank you.

14 Mr. Christian.

15 MR. CHRISTIAN: I lost track of where we were in our
16 order here.

17 THE CHAIRPERSON: It seems that we are at the end. Or
18 is that the beginning?

19 **REPLY BY MR. CHRISTIAN:**

20 MR. CHRISTIAN: Right. It will be the end, I assure
21 you.

22 I've got four issues to address and the
23 first two have a bit of a link to them. The first
24 issue is the idea that the Commission should issue a
25 preliminary report and that it would be the
26 preliminary report that would be the subject matter of

1 argument by participants in this proceeding. BC Hydro
2 doesn't support that.

3 COMMISSIONER HOROWITZ: Did you say does or doesn't,
4 sorry?

5 MR. CHRISTIAN: Does not. Does not support that idea.
6 And one of the reasons is that it seems to us that the
7 concept, the proposal presupposes what the Commission
8 is actually going to do with the evidence and the
9 arguments it gets in this proceeding.

10 A number of parties have spoken to the idea
11 that the Commission will be issuing a report. Indeed,
12 Commission Counsel referred to the Commission issuing
13 a report, and it's certainly a likely, maybe even a
14 very likely outcome of this inquiry that there is a
15 report. But there are other things the Commission
16 might also do in addition to a report.

17 If you think of a report as being on the
18 least prescriptive end of the scale that the
19 Commission could act on, the Commission might also be
20 a little bit more prescriptive than simply issuing a
21 report and might also issue guidelines, possibly.

22 The Commission also has the power,
23 possibly, to issue orders or even regulations at the
24 kind of most prescriptive end of the spectrum. In
25 addition, there are some issues where it seems to me
26 where the Commission might well hear from parties and

1 come out of this proceeding, and one of the things
2 that the Commission could benefit from is participants
3 suggesting to the Commission how the different issues
4 might be dealt with, whether by way of report, by
5 guideline, possibly regulation or rule,
6 recommendations to the province, or where it could
7 simply carve out a place for further resolution issue
8 in an appropriate proceeding. And so, going to the
9 report precludes that to some extent.

10 I also think -- I would say that the CEC's
11 position with respect to a preliminary report is a
12 good one. As I understood it, the idea is that given
13 the expansion of the scope of this proceeding through
14 Exhibit A-34, even if only a few of those issues are
15 now included in the scope, the Commission should hear
16 the benefit of people's views on those issues before
17 they issue a preliminary report. So there is -- I
18 don't know if I would call it procedural fairness. I
19 think I agree with Mr. Miller with respect that it's
20 probably not a procedural fairness issue. It's more a
21 question of whether the Commission will fully benefit
22 from the views of all participants before it puts its
23 pen to paper.

24 So, those are the reasons for BC Hydro not
25 supporting an initial report that people would comment
26 on.

1 The second topic I want to address is the
2 idea that some of the items in Exhibit A-34 should be
3 excluded from the scope of this proceeding. And just
4 so I am clear about what I'm talking about, I
5 understand those submissions to be to the effect that
6 where an issue is taken off of Exhibit A-34, for the
7 scope of this proceeding, then parties wouldn't be
8 able to comment on it. Or the Commission wouldn't
9 give any regard to comments on that issue. Otherwise,
10 there is no point taking it out now at a procedural
11 conference, at this step in the proceeding.

12 And it just seems to be that that is
13 premature. There may be some issues that the
14 Commission, similar to what I said in terms of the
15 form, there may be some issues that the Commission
16 decides, having heard the benefit of parties
17 arguments, that it is better to deal with it at a
18 later time, that it may be better to deal with it in a
19 particular type of proceeding, or maybe it's just
20 premature to deal with. But, by taking them out of
21 scope now, you limit the ability of parties to make
22 submissions to that effect. And so it kind of
23 actually restricts the ability of the Commission to do
24 its job, by deciding today what it will make its
25 determinations on later before it has heard full
26 argument.

1 So we would say there's no need and no
2 benefit to taking issues off Exhibit A-43 for the
3 purpose of this inquiry. And as I said, the report
4 itself, the preliminary report shouldn't come forward
5 -- both of the presupposed outcomes, both those issues
6 and those ideas presuppose the way that the Commission
7 is going to end up coming out of this proceeding.

8 Two other issues then. The idea that there
9 should be workshops. BC Hydro doesn't support the
10 idea of any workshops. As I said in the outset, we
11 should go right to argument. A workshop invariably
12 does lead to new evidence. Mr. Weafer kind of skirted
13 the question about whether a workshop would lead to
14 evidence, but whether it's the Commission staff or a
15 participant, or a utility like BC Hydro providing
16 workshop materials, there will be new evidence, there
17 will be questions raised. And so a workshop
18 invariably I think extends the process.

19 And I did not hear any submissions that
20 went to the substance of what a workshop would be.
21 The idea of the discussions, people generally
22 appreciate that. People like to have an opportunity
23 to talk. The informality of a workshop can be
24 conducive to people's understanding, but I didn't hear
25 specific substantive proposals and so -- nor did I
26 hear anybody say that we need that workshop because

1 something's missing from the evidentiary record. So
2 we would say a workshop delays the process and doesn't
3 help it.

4 And then lastly, a similar issue arises
5 from the proposal to have a phased hearing. A phased
6 hearing, in BC Hydro's submission, would make sense,
7 possibly. If a participant had come to the Commission
8 today and said, "We didn't have an opportunity to file
9 evidence of a particular issue that's now come up in
10 Exhibit A-34, we would have -- we might still, but it
11 depends on the answer to some of the questions we have
12 here." In that case you might see there's some logic
13 to breaking up the proceeding into different phases.

14 Right now what we have is a number of
15 parties who have said, "Maybe there's more evidence
16 required," but nobody's said, "I need to put more
17 evidence in to advance my position in this
18 proceeding." And by implication the evidence is here
19 for people to make their arguments on. A phased
20 approach simply I think delays the process and also
21 has the effect, similar to what I described in issues
22 1 and 2, of presupposing an outcome.

23 There are certain issues that the
24 Commission may find linkages between that they can
25 deal with once they grapple with the evidence and the
26 submissions, that they may not be able to deal with if

1 some certainty now, bearing in mind that there may be
2 an evolution in the future that requires further
3 process down the road. We don't have to try and get
4 everything right today. That's at the expense of
5 getting something done sooner than later.

6 And with that, that's our reply
7 submissions. If there is any questions --

8 THE CHAIRPERSON: So you're saying you agree with what
9 Mr. Miller said?

10 MR. CHRISTIAN: I agree with Mr. Miller to the extent
11 that he was suggesting that the Commission should move
12 forward quickly and shouldn't be concerned about
13 getting a final answer at this point in time for all
14 the different questions. There are some issues that
15 it may not be able to answer, and that's okay.

16 THE CHAIRPERSON: Any more questions? Thank you. Thank
17 you, Mr. Christian.

18 And that bring us to the end -- or the
19 beginning of our list. And I'd like to thank everyone
20 for keeping their submissions succinct. We did make
21 it within our goal of noon, so in fact you get to go
22 for lunch five minutes early. So, thank you very
23 much. And we're adjourned.

24 **(PROCEEDINGS ADJOURNED AT 11:54 A.M.)**

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I HEREBY CERTIFY THAT THE FORGOING
is a true and accurate transcript
of the proceedings herein, to the
best of my skill and ability.



A.B. Lanigan, Court Reporter

June 27th, 2018