

# William J. Andrews

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August 8, 2017

Site C Inquiry Panel

David Morton, Chair, and Commissioners Karen Keilty, Dennis Cote and Richard Mason  
British Columbia Utilities Commission  
Sixth Floor, 900 Howe Street, Box 250  
Vancouver, BC, V6Z 2N3

By email: [commission.secretary@bcuc.com](mailto:commission.secretary@bcuc.com)

Dear Members of the Commission Panel:

Re: Inquiry into the financial aspects of continuing, suspending or terminating the Site C project ("Site C Inquiry")

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I represent the B.C. Sustainable Energy Association (BCSEA) regarding the Commission's Site C Inquiry.<sup>1</sup> BCSEA intends to participate fully in the Inquiry and has arranged for Dr. Mark Jaccard to be an expert witness in the inquiry proceeding based on the availability of a cost award application. The purpose of this letter is to ask a number of questions about the inquiry that the Commission may wish to provide information about on the inquiry website. I begin with a recap of my August 4 letter and today's new information on the inquiry website.

To recap, in my August 4, 2017 letter on behalf of BCSEA to Commission Chair and CEO David Morton (copy attached) I asked the Commission to allow applications for intervener status by parties such as BCSEA to participate in the inquiry proceeding and to make applications for a cost award in accordance with the Commission's Rules of Practice and Procedure. I received an informative response from Commission counsel indicating that the Commission would provide new information on the process on the Commission's Site C Inquiry website (Inquiry website) early in the week of August 8. New content is on the Inquiry website as of August 8.

Highlights of the new content on the inquiry website include:

- No interventions,
- Cost award applications to be available,
- Commission panel members named,
- Link to Order in Council 244/2017<sup>2</sup> providing UCA section 5 request and the terms of reference,
- BC Hydro to respond to inquiry questions<sup>3</sup> by August 30,

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<sup>1</sup> <http://www.bcuc.com/Sitecinquiry.html>.

<sup>2</sup> <http://www.bcuc.com/Documents/SpecialDirections/2017/08-02-2017-OIC-244.pdf>

<sup>3</sup> The FAQ says "the Commission's questions," which I assume means the questions the Province has asked the Commission to answer by way of the inquiry. If the Commission intends to provide questions of its own to BC Hydro then please provide the expected timing and

- “BCUC Consultants’ reports” on the inquiry questions by August 30,
- Submissions on the panel’s September 20 preliminary report to be received between September 21 and October 11,
- All submissions will be posted on the Commission’s website,
- BCUC will not decide how to proceed with Site C. “Our role is to examine the costs to BC Hydro ratepayers of continuing, suspending or terminating construction of the Site C project and provide our findings to government. Government will consider our findings along with other environmental and First Nations considerations and make a final decision on Site C.”
- “The terms of reference do not include economic implications beyond BC Hydro ratepayers.”
- “Please do not submit data/analysis or comments that are not within the scope of the inquiry as they will not be considered or included in our reports.”

BCSEA has the following questions about the inquiry process:

1. Will BC Hydro’s evidence (to be filed by August 30) be posted on the inquiry website when it is filed? In other words, will BC Hydro’s evidence be available to the public and to interested persons such as BCSEA who want to analyze the content of BC Hydro’s evidence for the purpose of making submissions to the panel by the October 11, 2017 deadline?
2. Please provide more information about the Commission’s Consultants and their role.
  - a. Who are they and what are their areas of professional background and expertise? What are their respective scopes of work?
  - b. What information will they analyze for their reports to the panel due August 30? Will this be information already in the public domain, such as evidence in the Joint Review Panel process and BC Hydro’s Site C quarterly reports to the Commission? Or will the Commission’s Consultants’ August 30 reports include analysis of recent/not-public information from BC Hydro?<sup>4</sup>
  - c. Will the Commission’s Consultants’ August 30 reports include (or provide links to) the actual data on which the reports are based?
  - d. Will the Commission’s Consultants conduct a “portfolio analysis” of the continue, suspend, terminate options?
  - e. What is the role of the Commission’s Consultants after they provide their August 30 reports? Will they conduct an analysis of BC Hydro’s August 30 evidence? If so, will their reports of their analysis of BC Hydro’s August 30 evidence be included in the panel’s September 20 preliminary report?

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confirm that they will be posted on the inquiry website. BCSEA and presumably other interested parties would find the Commission’s information requests to BC Hydro very helpful in preparing their own August 30 submissions.

<sup>4</sup> Noting that BC Hydro’s evidence on the inquiry questions is also due on the same date (August 30).

- f. Will the Commission's Consultants provide reports to the panel for the October 11 deadline for submissions regarding the September 20 preliminary report?
3. Regarding submissions by the August 30 deadline from interested parties in particular, and noting the Commission's request that people not submit material that is not within the scope of the inquiry, does the panel anticipate issuing questions or guidance about the topics the Commission does want people to address in their August 30 submissions, beyond the rather technically worded questions in the inquiry terms of reference?
  - a. Does the panel have any questions for interested parties on preliminary technical topics, such as methodology, assumptions, or information sources, on which interested parties could assist the Commission in their August 30 submissions before they have an opportunity to review BC Hydro's August 30 filing?
4. Item 3(c) of the inquiry terms of reference requires the Commission to require BC Hydro to report on developments since BC Hydro's July 2016 the energy demand and capacity demand forecasts and other factors that may influence demand toward the high, or low, load case. Will the panel require BC Hydro to provide this information in BC Hydro's August 30 submission, or by a later date?
5. What will be the mechanism(s), if any, for testing BC Hydro's August 30 evidence regarding the inquiry questions?
  - a. For example, will the Commission staff, Commission Consultants, or the Commission panel, make information requests to BC Hydro regarding its August 30 evidence? If so, will the questions, and BC Hydro's responses, be posted on the inquiry website?
  - b. Is it contemplated that BC Hydro will provide responses to the August 30 input from the Commission's Consultants and interested persons, and/or to the panel's September 20 preliminary report? If so, would these submissions by BC Hydro be made by the October 11 deadline for submissions on the preliminary report?
  - c. Acknowledging the short inquiry timeframe, please clarify whether and if so how interested persons will have an opportunity to ask questions of BC Hydro and to have BC Hydro's responses filed on the record.
  - d. Are the open houses an opportunity for participating members of the public to obtain information directly from BC Hydro? Will BC Hydro be participating in the open houses?
6. Please explain more about how the Commission will post submissions on the website.
  - a. Will the Commission use the typical proceeding web page format, e.g., with "A" series filings by the panel, "A2" filings by Commission staff, a series of filings by BC Hydro ("B"?), "D" series exhibits filed by interested parties, and "E" series letters of comment?
  - b. What document filing procedure will be used on the Commission's website?<sup>5</sup>

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<sup>5</sup> To register as an "interested party" or to submit a letter of comment regarding a proceeding on the Commission's website requires the user to select the appropriate "proceeding," however the Site C Inquiry is not (yet?) listed as a proceeding in the dialogue box.

- c. Will the Commission put a 'date of most recent update' or otherwise indicate to the reader new additions to the content on the inquiry website?
7. Will the Commission issue typical proceeding documentation, such as an appointment of panel letter, a proceeding order, and procedural updates? Will a proceeding order clarify how the Commission's Rules of Practice and Procedure apply to the inquiry proceeding?
8. Please provide more information about how the PACA process will be implemented in the unusual circumstances of the inquiry. What is the deadline for PACA Budget Estimates?

These questions are intended to inform the panel and the Commission staff of the topics on which further information would help BCSEA, and presumably other interested parties, to assist the panel most effectively and efficiently. While I would welcome a direct response, my main focus is that these topics be addressed 'one way or the other' on the inquiry website.

All the above is respectfully submitted.

Yours truly,

William J. Andrews



Barrister & Solicitor

Encl.

- cc. Association of Major Power Customers  
BC Old Age Pensioners Organization, et al.  
Clean Energy BC  
Commercial Energy Consumers  
COPE Local 378