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December 5, 2018

Mr. Patrick Wruck
Commission Secretary and Manager
Regulatory Support
British Columbia Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC V6Z 2N3

Dear Mr. Wruck:

**RE: Project No. 1598941
British Columbia Utilities Commission (BCUC or Commission)
Inquiry into the Regulation of Electric Vehicle Charging Service
(EV Inquiry Phase 1)
British Columbia Hydro and Power Authority (BC Hydro)
Response to Commission Request from Phase 1 Report**

BC Hydro writes to respond to the Commission's request from page 22 of the November 26, 2018 report on the EV Inquiry Phase 1. The request specifically states:

In making these finding we have reviewed subsection 9.2 of the BC Hydro Electric Tariff Terms and Conditions:

If a Customer wishes to sell Electricity which the Customer has purchased from BC Hydro to a tenant of that Customer on the same Premises on a metered basis, then the Customer shall agree that the selling price for such Electricity shall not exceed the price which BC Hydro would have charged had that tenant been a Customer of BC Hydro. This requirement shall be included in an agreement for resale between BC Hydro and the Customer;

While it may appear on the face that this is a market restriction, we note that on reading the provision in context of the rest of the Electric Tariff, we do not believe that this section applies to EV charging services in residential buildings given section 4.2.2 of the Electric Tariff.¹¹⁰ **Accordingly, the Panel requests BC Hydro to confirm the Panel's understanding within 7 days of the issuance of this Report.**

To clarify, section 9.1 of BC Hydro's Electric Tariff (effective as of April 1, 2017) governs the resale of electricity, which states:

If a Customer wishes to resell to a tenant of the Customer at the same Premises and on a metered basis Electricity provided by BC Hydro to the Customer, the price for such Electricity will not exceed the price that BC Hydro would have charged had such tenant been a Customer of BC Hydro. This requirement will be included in an agreement for resale between BC Hydro and the Customer.

It is BC Hydro's understanding that the Commission's request refers to section 4.4.2, Multiple Occupancy Buildings – Non-Residential Units, which states in part:

If a building contains more than one unit, including one or more commercial or common use unit, each commercial, common use or other unit in the building that is not a Dwelling will be metered separately, except:

1. To the extent that BC Hydro considers it impractical to do so; or
2. Where the Point of Delivery is at a Primary Voltage, and the Owner elects for the building to be served through one meter.

Section 4.4 (Metering of Multiple Occupancy Buildings) also states that “[i]n all cases where multiple occupancy buildings are served through a single meter, the Customer must comply with the provisions of section 9.1 (Resale of Electricity) and the *Utilities Commission Act* related to the resale of Electricity.”

BC Hydro cannot confirm the Commission's understanding that section 9.1 does not apply to EV charging services in residential buildings given section 4.4.2 of the Tariff.

Section 9.1 applies if the following conditions are met: the resale of electricity is (i) from a Customer of BC Hydro to a tenant of the Customer, (ii) on the same Premises, and (iii) on a metered basis. Thus, in a rental building, if the Customer (i.e., the landlord) charges a tenant for electricity used for EV charging, the EV charger/connector is on the same Premises as the tenant's rental unit, and the EV charger/connector is sub-metered, section 9.1 will apply.

Section 9.1 of the Electric Tariff does not preclude a Customer from reselling electricity on an unmetered basis. Thus, if the landlord charges the tenant a flat fee for the electricity used for EV charging, this provision will not apply. However, as contemplated by section 4.4 and indicated by the report in the EV Inquiry that the landlord is a public utility, the *Utilities Commission Act* provisions must be complied with, unless exempted.

In a strata building, individual strata lots/units are usually owned, not leased. As such, there will not be a landlord/tenant situation. If an EV charger or connector is deemed to be on the same Premises as the individual strata lot/unit, section 9.1 will not apply for lack of a landlord/tenant relationship.

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For further information, please contact Anthea Jubb at 604-623-3545 or by email at bchydroregulatorygroup@bchydro.com.

Yours sincerely,



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