From: Andy Shadrack [ashadra@telus.net]
Sent: Thursday, June 16, 2011 9:00 AM
To: Commission Secretary BCUC:EX
Cc: FortisBC Regulatory Affairs – Electricity; Leyland, Michael; otootski@gmail.com; alove@nelson.ca; hgrant@nelson.ca; bcuc@horizontec.com; bchydroregulatorygroup@bchydro.com; jquail@bcpiac.com; support@bcpiac.com; lworth@bcpiac.com; jwrightman@econalysis.ca; McNeely, Cindy; ngabana@gmail.com; rasika@telus.net; hmstansk@shaw.ca; wjandrews@shaw.ca; thackney@shaw.ca; fredweislaw@gmail.com; kootenaytax@shaw.ca; r_work@telus.net
Subject: FortisBC Residential Inclining Block - Request For Ruling From Panel

Kaslo

Thursday, June 16

Attention: Allannis Gillis, Acting Commission Secretary

I have reviewed FortisBC's responses and non-responses to my Information Request ("IR") No 1 and am in agreement with the applicant when they state at page 4, line 27 and 28 that:

"The British Columbia Utilities Commission is the sole judge of whether or not a rate is just and reasonable"

I disagree with FortisBC when they state at page 1, lines 15 to 17 and 25-27; page 2, line 21-23; page 3, lines 1-3 and 11-13; page 8, lines 5-7 and lines 15-16; and, page 9, lines 9-11:

"The composition and current level of the basic charge, rate rebalancing and intra-class subsidization are topics that were dealt with during the 2009 COSA and RDA and are not the subject of this Application."

In question 19, for example, I ask FortisBC:

Does BC Hydro Power and Authority use different criteria for creating its Basic Charge?

On page 8, lines 11-13, FortisBC states that it:

"...declines to respond to this Information Request as it is beyond the scope of the Application currently before the Commission and will not in any way inform the Commission on the implementation of a RIB rate"

To determine the truth of FortisBC's assertion I go back to the Commission's own decision of October 19, 2010 and review what the Commission "directed:" FortisBC to do, at page 57:

"...develop a plan for introducing residential inclining block rates that also incorporate a lower Basic Charge in the immediate future and to file an RIB rate application with the Commission no later than March 31, 2011."

At page 4, line 18 FortisBC states:

"Commission order G-156-10 did not order an immediate customer charge reduction, rather, it directed the Company to file a RIB rate application, that as part of its structure, incorporated a lowering of the basic customer charge."
Unlike FortisBC, who appear to speculate on what the Commission directed them to do, I looked to the Commission's own words to guide me in my questions to FortisBC in this hearing. At page 69, last paragraph, in their decision, the Commission determines:

"...that the current policy, [referring to provincial postage stamp rates], supporting same rates to all members of a customer class regardless of their location in the Province, can also be interpreted to support the idea that FortisBC residential customer rate structure should more closely resemble BC Hydro residential rate structure."

That is precisely why I gave FortisBC an opportunity to explain, through a series of questions, why their basic charge is different than BC Hydro's, so that they could have ample opportunity to answer the Commission's own interpretation at page 69 of their previous decision.

That said, my request at this stage in the proceedings to the Commission is simple. Either you now order FortisBC to answer all of the questions I asked in IR #1 or I take the G-156-10 order to a lawyer along with my questions and ask them to prepare a case to go before a BC Supreme Court Justice to determine if FortisBC has the right to refuse to answer any or all of my questions in this hearing.

This situation is precisely why I opposed a written hearing, out of a now justified fear that FortisBC would do everything in its power to duck my questions. I am only a lay person, and so admit that my questions may at times be somewhat crude, but I believe as an intervenor that I should be given the latitude to ask FortisBC the questions that allow me to develop the argument that I believe must be mounted against their proposed RIB rate.

If the Commission believes that any of my questions are irrelevant to this hearing, agreeing with FortisBC, then let them so state and then I will consider my options. I did not think that it was a prerequisite of this hearing protocol for an intervenor to have to justify their questions to an applicant. Obviously, however, FortisBC thinks that should be the case.

I look forward to reading the Commission's ruling at their earliest convenience.

Respectfully Submitted,

Andy Shadrack