



David M. Aaron

September 7, 2012

BY EMAIL

BC Utilities Commission
Sixth Floor, 900 Howe Street, Box 250
Vancouver, BC V6Z 2N3

Attention: Erica Hamilton, Commission Secretary

Dear Sirs / Mesdames:

**Re: FortisBC Inc. Application for a Certificate of Public Convenience and Necessity for the Advanced Metering Infrastructure Project
~ Project No.3698682**

I am legal counsel for the Citizens for Safe Technology Society (“the Society”) and I am authorized to advance, on its behalf, this request for intervener and interested party status in relation to the above-referenced proceedings.

My client is an incorporated society with 25,000 members throughout British Columbia, all of whom oppose the installation of microwave radiofrequency emitting smart meters by BC Hydro, Fortis and all other electrical utilities in the province.

In proceedings before this Commission, the BC Court of Appeal and the BC Human Rights Tribunal, the Society has been active as an advocate in advancing various public interest considerations arising out of the implementation of smart meters. In particular, by way of its complaint dated December 22, 2011, under section 47 of the *Utilities Commission Act*, the Society advanced the position that BC Hydro’s implementation of microwave emitting smart meters should be subject to the very CPCN analysis that is before the Commission in the instant proceedings. As such, it follows that the Society has an interest in the outcome of the instant proceedings, where the merits of the CPCN analysis stand to be determined while the Society’s complaint against BC Hydro makes its way through the Court of Appeal.

Through legal counsel, my client seeks to make submissions and adduce evidence regarding health and environmental considerations, including concerns over security and safety risks associated with the installation of the proposed smart meters by FortisBC Inc. We submit that health and environment considerations are properly within the scope of the Commission’s considerations in the course of assessing

8

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eligibility for a certificate of public convenience and necessity. [See *BC Hydro v. BCUC et. al.* 1996 CanLII 3048 (BC CA) at paragraphs 8, 10, 12, 13, 20, 35, 40, 46 and 48 to 50.

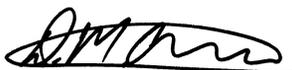
In order to advance its position in that regard, the Society intends to adduce expert opinion with respect to the health, environmental, safety and security implications of the proposed smart meters. Adequate consideration of the evidence in each of these areas will require a *viva voce* hearing with the opportunity for participants to cross-examine competing experts, either in person or by video conference.

We submit that the timeline for information requests, as presently posted on the BCUC website, is not conducive to a regulatory process that properly incorporates the role of experts in the determination of the contested issues of fact. We require a reasonable opportunity, after interim PACA funding has been granted, to retain our experts and consultants with a view to reviewing Fortis' application and formulating our initial information requests.

Furthermore, we assert that established deadline for PACA funding, a mere two business days after the intervenor registration deadline, is completely unworkable and inconsistent with natural justice and procedural fairness. The timeline should be extended so as to allow participants a reasonable amount of time, after being accepted as interveners, to formulate their PACA funding budgets and supporting applications.

Finally, we submit that there exists a need to hold Community Input Sessions in the areas of Trail, Osoyoos, and Kelowna, where many of our members reside and are aggrieved at the prospective imposition by Fortis of the proposed smart meters at their homes. The interests at stake require that the public be heard and that the public interest be properly taken into account in the context of the CPCN analysis.

Yours truly,



DAVID M. AARON

cc: client
cc: FortisBC Inc.



David M. Aaron

September 11, 2012

BY EMAIL

BC Utilities Commission
Sixth Floor, 900 Howe Street, Box 250
Vancouver, BC V6Z 2N3

Attention: Erica Hamilton, Commission Secretary

Dear Sirs / Mesdames:

**Re: FortisBC Inc. Application for a Certificate of Public Convenience and Necessity for the Advanced Metering Infrastructure Project
~ Project No.3698682**

I write further to my letter of September 7, 2012, on behalf of the Citizens for Safe Technology Society (“the Society”).

The Society requests that today’s deadline, for submission of PACA funding budgets, be extended by two weeks. We also request that the respective deadlines for intervener information requests be held in abeyance pending the Commission’s consideration of our previous submissions with respect to the appropriate format of proceedings. Ultimately, it is my hope that all deadlines will be reset to provide the interveners with a reasonable opportunity to consult and formulate their requests.

I am informed that the Commission has received several applications for request for intervener and interested party status in relation to the above-referenced proceedings. My client is confident that it will be able to coalesce several of these interveners into a coalition under common representation in the context of these proceedings. Our ability to formulate this coalition will directly determine our orientation to PACA funding in accordance with the principles articulated by the Commission in Order No. G-72-07 wherein it is stated:

In addition, Participants that have formed a coalition of groups should provide a letter from each particular member of the group, identifying its interest in the Commission’s proceedings and authorizing representatives to act on its behalf.

8

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In our view, it would serve the interests of all parties to consolidate intervener participation to the extent that the various participants can discover each other and come to an agreement with respect to common representation. A consolidated intervener group will result in a more efficient, expeditious and cost-effective proceeding. We also believe that expert evidence will be more effectively presented where adduced through the representation of legal counsel.

We propose that the Commission refer prospective interveners to my client so as to facilitate the formation of a broader coalition. Given the requested two week extension of time, we expect that we will be in a position to provide a PACA funding budget estimate that is more accurate and appropriate to the constituency of the prospective coalition.

Yours truly,



DAVID M. AARON

cc: client
cc: FortisBC Inc.