

William J. Andrews

Barrister & Solicitor

1958 Parkside Lane, North Vancouver, BC, Canada, V7G 1X5
Phone: 604-924-0921, Fax: 604-924-0918, Email: wjandrews@shaw.ca

October 30, 2012

British Columbia Utilities Commission
Sixth Floor, 900 Howe Street, Box 250
Vancouver, BC, V6Z 2N3
Attn: Erica Hamilton, Commission Secretary
By Web Posting

Dear Madam:

Re: FortisBC Inc. (FBC, Application for a Certificate of Public Convenience and Necessity (CPCN) for the Advanced Metering Infrastructure (AMI) Project
Project No. 698682; Order G-105-12

This is on behalf of the B.C. Sustainable Energy Association and the Sierra Club of British Columbia in response to the Commission's October 11, 2012 invitation (Exhibit A-10) to comment on items to be addressed at the Procedural Conference scheduled for November 8, 2012. BCSEA-SCBC have had the benefit of reviewing the October 30, 2012 letter from counsel for FBC on these topics. With the intention of contributing to the advance preparation for the Procedural Conference, I will take the liberty of responding to some of FBC's points.

The following comments are subject to hearing the submissions of other intervenors and the comments of Commission staff and the Panel prior to and at the Procedural Conference.

1. The proposed agenda for the Procedural Conference.

BCSEA-SCBC have no comments on the agenda for the Procedural Conference at this time.

2. Identify issues or topics of significance related to health, security and privacy that should be included in the oral hearing.

BCSEA-SCBC offer the following comments:

2.1. As an observation, the topic raises four questions:

- 2.1.1. What subtopics should be identified under the headings of "health, security and privacy" so as to inform the Commission and the parties about the content of the upcoming oral hearing?
- 2.1.2. What are the subtopics, if any, of "health, security and privacy" that may arguably be beyond the scope of the entire proceeding (oral and written)?
- 2.1.3. Are there subtopics of "health, security and privacy" that should be included in the *written* proceeding but not in the oral hearing?
- 2.1.4. Implicitly, are there topics *in addition* to "health, security and privacy" that should be included in the oral hearing?

- 2.2. Regarding “health,” it appears from the evidence and information requests (IRs) filed to date that the “health” issues are, as FBC says, the “health effects of the wireless radio frequency network component of the AMI Project.”
- 2.2.1. In BCSEA-SCBC’s view, that would include the RF-LAN and ZigBee transmissions to and from the meter, as well as wireless transmissions between the collection system and the head-end.
- 2.2.2. It is conceivable that *other* health issues could arise from the Community Input Sessions.
- 2.3. Regarding “health,” BCSEA-SCBC would identify the following subtopics:
- 2.3.1. What safety standards or guidelines are applicable?
- 2.3.2. How do the proposed meters and other transmission devices compare to the safety standards or guidelines?
- 2.3.3. Should the Commission ‘look behind’ the applicable safety standards or guidelines to determine if they are adequate or if there are factors relevant to the public interest?
- 2.3.4. What if any measures can and should FBC take to mitigate health risks, in the context of the wireless system as proposed?
- 2.3.5. What are the merits of changing the entire system away from wireless and to, say, a wired system?
- 2.3.6. What technical options are available to provide non-wireless meters to selected customers within the context of the wireless system as proposed? What are the costs of such options, both at the system level (how much would it cost to make the system compatible with some number of non-wireless meters) and on a per-meter basis? What are the pros and cons of implementing selected non-wireless meters on the financial and other benefits of the AMI Project?
- 2.3.7. If the Commission was to require FBC to provide non-wireless meters within the context of the wireless system as otherwise proposed, what should be the defining characteristics of an ‘opt-out’ system, and should the incremental costs be borne by participating customers or by all ratepayers (or in what proportion)?
- 2.4. Regarding “security” and “privacy,” FBC proposes a focus on the “potential for third party interception of personal information through the wireless radio frequency network component of the AMI Project.” In BCSEA-SCBC’s respectful submission, that wording is too narrow and the Commission should make a clearer distinction between “security” and “privacy.”
- 2.4.1. BCSEA-SCBC would use the term “security” to refer generally to the potential unauthorized interception of information. This would include utility information, not just “personal information.” And, it would include interception by FBC (say, of information belonging to a customer) or by a customer (say, of utility information), not just interception by third parties.

- 2.4.2. BCSEA-SCBC would use the term “privacy” to refer generally to the collection and use of information only for its intended and authorized purpose (and what those intended and authorized purposes should be). The primary focus of the “privacy” topic here is FBC’s collection and use of customers’ personal information. In this context, prevention of a breach of security is but one aspect of the “privacy” topic.
- 2.5. Regarding “security,” BCSEA-SCBC would identify the following subtopics:
- 2.5.1. Does the proposed (wireless) system provide adequate security?
- 2.5.2. Are there alternative architectures or security systems within the context of the proposed system that would provide better security? If so, what are the costs and benefits?
- 2.5.3. What are the security pros and cons of a non-wireless system compared to the proposed wireless system?
- 2.5.4. What principles or criteria apply to the Commission’s scrutiny of the security aspects of the public utility’s proposed project?
- 2.5.5. Does the proposed ZigBee, Home Area Network system provide adequate security, both for the utility and for the customer?
- 2.6. Regarding “privacy,” BCSEA-SCBC would identify the following subtopics:
- 2.6.1. What privacy rules or guidelines do or should apply to FBC in relation to the collection, storage and use of customers’ personal information under the proposed AMI Project?
- 2.6.2. Does the ZigBee, SEP v.2 approach provide adequate privacy protection for customers?
- 2.7. BCSEA-SCBC ask that the Panel add to the oral hearing the topic of the electronic relationship between the customer and FortisBC, including elements such as ZigBee, SEP v.1, SEP v.2, in-home devices, the home area network, software/hardware upgrade path, and the internet Customer Information Portal. BCSEA-SCBC (and Commission staff) have filed various information requests on these topics. Having not yet received FBC’s responses, it is difficult to specify what issues may be suitable for the oral hearing. However, the topic is an important new aspect of the relationship between FortisBC and its customers and BCSEA-SCBC respectfully submit that it warrants attention in the oral hearing.
- 2.8. Regarding evidence at the oral hearing, FBC states, “Given the nature of the issues identified above, we anticipate that the oral evidence to be adduced in relation to them would be from the appropriate experts.” BCSEA-SCBC agree and add that the Commission’s usual practice is that oral evidence from experts is primarily provided via cross-examination based on previously filed written evidence from the experts. That said, BCSEA-SCBC supports the Commission receiving written evidence from ‘citizen experts’ subject to the usual considerations of weight and materiality.
- 3. Identify issues or topics of significance of a financial and operations nature that should be included in the written process.**

- 3.1. Subject to the comment in 3.3 below, BCSEA-SCBC generally agrees with FortisBC's proposal "that the financial benefits of the AMI Project, its non-financial benefits, its future benefits, Project costs and Project alternatives be addressed in written submissions together with other issues not covered in the oral hearing."
- 3.2. BCSEA-SCBC shares FortisBC's anticipation that "the written submissions will contain parties' arguments in relation to the issues on which oral evidence was presented."
- 3.3. BCSEA-SCBC's support for a hybrid oral and written proceeding is based on *efficiency*. Speaking for themselves, BCSEA-SCBC do not have the resources to participate in lengthy oral hearing sessions on financial and operational issues that could be adequately dealt with in writing. That said, BCSEA-SCBC do support intervenors having an opportunity to cross-examine FortisBC (or other) witnesses on topics that are relevant and material to the Commission's determination on the Application. That is why BCSEA-SCBC propose that the topic of the electronic relationship between FortisBC and its AMI customers (for lack of a better description) be addressed in the oral hearing. BCSEA-SCBC anticipate that other intervenors will also identify topics they wish to address in the oral hearing.

4. Identification of other significant issues

- 4.1. As stated above, BCSEA-SCBC propose that the topic of the electronic relationship between FortisBC and its AMI customers be addressed in the oral hearing.

5. Other matters that will assist the Commission to efficiently review the Application

- 5.1. BCSEA-SCBC have no other matters to raise at this time.

6. The Proposed Regulatory Timetable for the review of the Application set out in Appendix A

- 6.1. The Proposed Regulatory Timetable for the review of the Application set out in Appendix A is acceptable to BCSEA-SCBC.

7. The timing, location and duration of the Oral Hearing process

- 7.1. The proposal in Appendix A to schedule the oral hearing for three days in Kelowna from February 19 to 21, 2013 is acceptable to BCSEA-SCBC.

All the above is respectfully submitted.

Yours truly,

William J. Andrews



Barrister & Solicitor

cc. Distribution List by email