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Our File No.: 05497-0216-0000

February 7, 2013

BY EMAIL

British Columbia Utilities Commission
6th floor, 900 Howe Street
Vancouver, BC V6Z 2N3

Attention: Erica M. Hamilton,
Commission Secretary

Dear Sirs/Mesdames:

Re: FortisBC Inc. (FortisBC) – Application for a Certificate of Public Convenience and Necessity for the Advanced Metering Infrastructure Project (AMI Project)

We write further to the Commission's letter dated February 5, 2013 with respect to the issue of videoconferencing involving witnesses for the Citizens for Safe Technology Society (**CSTS**).

The Commission determined in Appendix A to Order G-177-12 that "it is better able to assess witness credibility when a witness gives evidence in person. However, it is prepared to consider cross-examination of witnesses by way of video-conferencing in this matter, provided it can be persuaded that it should do so" (page 10).

We have considered the matter in light of the above guidance, the nature of the CSTS evidence filed, and the scope of the videoconferencing request set out in Mr. Aaron's January 28, 2013 letter.

We address in particular detail, below, the circumstances of the three CSTS witnesses whom, at minimum, we will be seeking to cross-examine: Dr. Blank, Dr. Carpenter and Dr. Maret. While we identify those individuals for the purpose of this correspondence, we reserve the right to request, after our review of CSTS responses to information requests, that additional CSTS witnesses be subject to cross-examination. We also reserve the right to cross-examine any CSTS witness who attends the hearing (by video or in person) at the request of another participant, including the Commission.

We understand from Mr. Aaron's letter of January 28, 2013 that Dr. Blank would prefer not to attend in person due to his age. On that basis, we do not object to Dr. Blank's attendance via videoconference. However, we do object to his testimony as part of a panel if he is attending via videoconference. (We note that Mr. Aaron has not proposed that Dr. Blank or other CSTS witnesses testify as part of a panel, but we address this possibility as it has been raised by Mr. Shadrack.) The Commission has properly

suggested that videoconferencing may already pose challenges, and in our view the combination of videoconferencing and panel testimony could be unmanageable.

We understand from Mr. Aaron's letter of January 28, 2013 that Dr. Carpenter is available to attend in person and that the issue is simply travel cost. In our view, having reviewed the nature of Dr. Carpenter's evidence and given his availability to attend in person, there is not a basis to depart from the ordinary practice and Dr. Carpenter should attend in person.

We understand from Mr. Aaron's letter of January 28, 2013 that a medical issue would prevent Dr. Maret from attending in person. On that basis, we do not object to Dr. Maret's attendance via videoconference. However, for the reason noted above, we do object to his testimony as part of a panel if he is attending via videoconference.

Given that we are not at this point requesting the attendance of additional CSTS witnesses, we do not comment on the particular circumstances of any given individual among them. We do have a general concern, however, with the scale of videoconferencing that would be occurring if CSTS witnesses at large were permitted to participate in this manner. In our view, Appendix A to Order G-177-12 contemplates videoconferencing being the exception and not the rule. If videoconferencing were generally available, the opposite would be the case.

We note the references to Skype in Mr. Aaron's correspondence. The undersigned does not have experience with the use of Skype in the context of hearings before courts or tribunals. No matter what medium is used, we underline the need to ensure that video and audio quality be maintained.

Finally, we note that the Commission made express provision in its procedural framework document of January 10, 2013 (Exhibit A-25) for the circumstances in which a video recording of the hearing could be made, with leave. If videoconferencing is permitted to any extent, we ask that the Commission reaffirm there should be no video recording or broadcast of the testimony without its leave.

Yours truly,

FARRIS, VAUGHAN, WILLS & MURPHY LLP

Per: Lotricia Stamm

for: Ludmila B. Herbst

LBH/ls

c.c.: Registered Interveners
Boughton Law Corporation – Attention: Gordon Fulton, Q.C.
FortisBC Inc. – Attention: Dennis Swanson