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May 13, 2013

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; Orders G-105-12, G-12-13, G-51-13, G-6213;
Motion to Reopen the Evidentiary Record, Reply Submission

This is the reply submission of the intervenors B.C. Sustainable Energy Association and Sierra Club British Columbia regarding the April 19, 2013 application by the intervenor Citizens for Safe Technology Society (CSTS) to reopen the evidentiary record to allow admission into evidence of Monograph 102¹ of the International Agency for Research on Cancer (“Report”) issued April 19, 2013.

By letter of April 22, 2013 letter, the Commission Panel invited “written submissions [1] on the reopening of the record to admit the Report into evidence and [2] to allow for the filing of Supplemental Submissions, if the Report is admitted into evidence.” The Panel provided a schedule for written submissions from parties in support of the application (May 2, 2013), written response submissions from parties opposed to the application (May 9, 2013), and written reply submissions from parties in support of the application (May 13, 2013).

BCSEA-SCBC filed a May 1, 2013 submission in support of the application. By letter of May 8, 2013 from counsel, FortisBC opposed the proposed reopening of the evidentiary record. In the alternative, i.e., in the event the evidentiary record is reopened, FortisBC opposed permitting further submissions. BCSEA-SCBC are unaware of any other parties having expressed opposition to the reopening and/or further submissions. Accordingly, this reply submission focuses on FortisBC’s May 8, 2013 submission.

1. Reopening the record to allow admission of the IARC Report

BCSEA-SCBC endorse the points on this issue made in their May 1, 2013 submission, which address the arguments made by FortisBC in its May 8, 2013 response submission.

2. Allowing for the filing of Supplemental Submissions, if the Report is admitted into evidence

To recap, BCSEA-SCBC submitted on May 1, 2013 that if the IARC Report is allowed into evidence there should be opportunity for supplemental written submissions limited to the Report,

¹ *Non-ionizing Radiation, Part 2: Radiofrequency Electromagnetic Fields, volume 102*, IARC Working Group on the Evaluation of Carcinogenic Risks to Humans (2011: Lyon, France)
<http://monographs.iarc.fr/ENG/Monographs/vol102/mono102.pdf>

with an early deadline for submissions from intervenors followed by a deadline for a reply submission from FortisBC. FortisBC responded on May 8, 2013 that if the evidentiary record is reopened to allow the IARC Report into evidence there should be no further submissions because the parties already had an opportunity to, and some did, make submissions relating to the IARC Report in their final submissions based on material already on the record.

In reply, while the IARC Report represents an elaboration upon the summary report (Baan *et al.*, 2011) that was relied upon by the expert witnesses during the proceeding and on which the parties had an opportunity to make final submissions, it would be open to parties, hypothetically, to argue that something in the full Report changes the weight the Commission ought to give to the conclusions and opinions of the IARC committee. As a matter of fairness, if the IARC Report is allowed into evidence, parties ought to be given an opportunity to make such an argument if they so choose.

To be clear, BCSEA-SCBC's position on this evidentiary application is directed solely at ensuring procedural fairness. Admission of the IARC Report into evidence would not cause BCSEA-SCBC to change the content of their April 25, 2013 final written submission.

All the above is respectfully submitted.

Yours truly,

William J. Andrews



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