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B.C. Utilities Commission
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Attention: Erica Hamilton

Dear Ms. Hamilton

**British Columbia Utilities Commission
British Columbia Hydro and Power Authority
Application for Approval of Charges Related to the Meter Choices Program
Project No. 3698760**

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On behalf of British Columbia Hydro and Power Authority ("BC Hydro"), I write to report to the Commission on the status of discussions between myself and Mr. Aaron, counsel for the Citizens for Safe Technology Society and Nomi Davis (collectively, "CSTS"), regarding the CSTS request that the Commission compel BC Hydro to answer certain round one CSTS information requests ("IRs") BC Hydro had declined to answer as they were not relevant to issues in the proceeding.

For reference, the CSTS request to the Commission regarding the unanswered IRs is Exhibit C4-6. The Commission's request for counsel for CSTS and counsel for BC Hydro to discuss the matter and to attempt to reach agreement is Exhibit A-13.

Mr. Aaron and I have discussed the matter. Mr. Aaron did not have instructions from his clients regarding the matter and, accordingly, an agreement could not be reached. Mr. Aaron asked that BC Hydro submit a letter to the Commission setting out its position regarding the unanswered CSTS IRs, and indicated that CSTS would submit its position in response.

BC Hydro's position regarding the unanswered CSTS IRs is as follows.

CSTS IR 1.1

Mr. Aaron clarified that the CSTS is requesting the number of commercial customers. BC Hydro does not concede the information is relevant to an issue in this proceeding; however, the number of customers in each class is readily available in BC Hydro's Annual Report.

For the fiscal year ended March 31, 2013, the number of light industrial and commercial customers is 199,981 as referenced on page 119 of the 2013 Annual Report.

CSTS IR 1.18

As referenced in BC Hydro's response to this IR, sections 4.2.3(d) and (e), and 4.2.4(b) and (c) of the BC Hydro Electric Tariff set out the meter options available to any eligible customer moving from premises where a legacy or radio-off meter is installed. The IR is fully answered by those sections of the Tariff.

Further, the purpose of this proceeding is to determine and set the amount of the Meter Choices Program charges. Eligibility for the Meter Choices Program and the terms and conditions under which a legacy or radio-off meter may remain installed at premises are set out in the BC Hydro Electric Tariff and have been approved by Commission Order No. G-166-13 on a permanent basis. Accordingly, the meter choices available to moving customers is not an issue in this proceeding.

CSTS IR 1.30

In addition to the response provided to this IR in Exhibit B-6-1, the CSTS can also refer to the response to CSTS IR 1.26 which confirms that participation in the Meter Choices Program would be expected to increase as the charges decrease. Accordingly, BC Hydro's position is that no further response is required.

CSTS IR 1.78

BC Hydro confirms its view that the information requested in this IR is not relevant to an issue in this proceeding. Retaining a legacy or radio-off meter at no charge is not an option under Direction No. 4. If CSTS considers it important to put information on opt-out programs in other jurisdictions onto the record of this proceeding, CSTS can undertake its own research and provide the information to the Commission with its final submission.

CSTS IRs 1.8, 1.9, 1.10, 1.11, 1.14 and 1.65

BC Hydro confirms its view that the information requested in these IRs is not relevant to an issue in this proceeding. The conditions of eligibility for the Meter Choices Program are set out in sections 4.2.1 and 4.2.2 of the BC Hydro Electric Tariff. Pursuant to section 4.2.2 (b) of the Tariff, the following condition must be satisfied in order for BC Hydro to permit to remain in operation, install, replace, maintain and service legacy or radio-off meters at a residential service customer's premises:

“(b) BC Hydro had not, before the date of the Customer's election in accordance with clause (c) or deemed election in accordance with clause (d), installed a Smart Meter at the Customer's Premises, but rather a Legacy Meter remained in place at those Premises as of the date of the Customer's election or deemed election”

Pursuant to the provision above, the circumstances and/or legal basis of historical smart meter installations are not relevant to eligibility for the Meter Choices Program. All that matters under section 4.2.2(b) of the Tariff is that a legacy meter remained in place at the premises as of the date of the customer's Meter Choices Program election or deemed election. The reason why a legacy meter or smart meter was in place at the premises at that time has no bearing on eligibility for the Meter Choices Program.

The terms and conditions of the Meter Choices Program as set out in the Tariff have already been approved by Commission Order No. G-166-13 on a permanent basis. Eligibility for the Meter Choices Program is not an issue in this proceeding.

Finally, BC Hydro notes that the CSTS is litigating smart meter-related issues before the Courts and the British Columbia Human Rights Tribunal. BC Hydro is the defendant in that litigation. CSTS recently made an application to the Court that relied on evidence BC Hydro has filed in this Commission proceeding. Using evidence from a Commission proceeding for other purposes is not necessarily a problem; however, the CSTS appears to be attempting to use the Commission's IR process to obtain information that is not relevant to an issue here and that may be relevant to issues before another tribunal. Other tribunals have their own discovery processes. There is no need and it is not appropriate for a party to use the Commission's process to circumvent the processes of other tribunals. BC Hydro submits that the Commission should not support apparent attempts by the CSTS to use this IR process for such purposes.

All of which is respectfully submitted.

Yours truly,

LAWSON LUNDELL LLP

A handwritten signature in black ink, appearing to read "Ian Webb". The signature is written in a cursive, flowing style.

Ian Webb

cc: Mr. David Aaron, Counsel for CSTS

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