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ERICA HAMILTON  
COMMISSION SECRETARY  
Commission.Secretary@bcuc.com  
web site: <http://www.bcuc.com>

**VIA EMAIL**

bchydroregulatorygroup@bchydro.com

January 8, 2016

**BC HYDRO**  
**2015 RATE DESIGN**

**EXHIBIT A-9**

Mr. Tom Loski  
Chief Regulatory Officer  
Regulatory & Rates Group  
British Columbia Hydro and Power Authority  
16<sup>th</sup> Floor, 333 Dunsmuir Street  
Vancouver, BC V6B 5R3

Dear Mr. Loski:

Re: British Columbia Hydro and Power Authority  
2015 Rate Design Application

The British Columbia Utilities Commission (Commission) received emails from Ms. Sharon Noble dated December 23 and 27, 2015 and January 6, 2016. In her emails, Ms. Noble requests "the opportunity for people to register as interveners and to submit comments be extended to allow for public input" in the review of BC Hydro's proposed amendments to its Electric Tariffs, posted as Exhibit B-1-1 in the above noted proceeding, and that she be granted intervener status, previously rescinded by Order G-176-15. Ms. Noble also raises a number of additional issues regarding Exhibit B-1-1 in her emails.

The Commission is seeking submissions from BC Hydro and registered interveners on Ms. Noble's request. For reference, Ms. Noble's emails are attached to this letter. Specifically, your submissions should address:

1. Whether Ms. Noble's requests on behalf of herself and others are appropriate and relevant to the 2015 Rate Design Application proceeding; and
2. If yes, should the Commission allow Ms. Noble's late intervention to address her stated issues?

Please provide your submissions on this matter to the Commission by Thursday, January 14, 2016.

Yours truly,

Erica Hamilton

YD/ls

Enclosures

cc: Registered interveners

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**From:** Dennis and Sharon Noble [REDACTED]  
**Sent:** Wednesday, December 23, 2015 1:43 PM  
**To:** Commission Secretary BCUC:EX

[REDACTED]

**Subject:** RE: BC Hydro 2015 Rate Design Application

Dear Ms. Hamilton,

Some of the proposed amendments to the Electrical Tariff appear to be new and outside the application for Rate Design that was initially submitted. I would like to ask that the opportunity for people to register as interveners and to submit comments be extended to allow for public input into this specific application: Electrical Tariff Amendment.

Thank you.

Happy holidays,  
Sharon Noble

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**From:** BC Hydro Regulatory Group [<mailto:bchydroregulatorygroup@bchydro.com>]  
**Sent:** December 21, 2015 3:37 PM

[REDACTED]



**Subject:** BC Hydro 2015 Rate Design Application

**Notice of Regulatory Filing**

**BC Hydro 2015 Rate Design Application**

The following has been filed by BC Hydro:

**Filed Documents:** [Proposed Electric Tariff Amendments and Related Documents](#)

Please note that this link will expire within seven days.

**Date Filed:** December 21, 2015

Hard copies only available upon request.

**[LINK TO BCUC WEBSITE](#)**

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**Regulatory Compliance & Filings**  
**BC Hydro**  
[bhydroregulatorygroup@bhydro.com](mailto:bhydroregulatorygroup@bhydro.com)

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**From:** Dennis and Sharon Noble [REDACTED]  
**Sent:** Sunday, December 27, 2015 9:59 PM  
**To:** Commission Secretary BCUC:EX

[REDACTED]

**Subject:** RE: BC Hydro 2015 Rate Design Application

Dear Ms. Hamilton,

As an intervener in BC Hydro's application for Rate Design I have the following questions and comments:

- 11) **11.3 Minimum Reconnection Charges.** I can find no justification for the introduction of the new category of fees pertaining to Manual reconnections because the customer failed to provide access to the meter. How does this service differ from the reconnection of service for those disconnected for other reasons?

Under sections 59(1 and 2) and 60(1) of the *Utilities Commission Act* it states that "a rate must not be unduly discriminatory". I submit that if the Commission were to allow this fee structure that the essence of the "unduly discriminatory" portion of the Act would be breached. Further the Act states that "similarly situated customers must be treated similarly." A newly scheduled fee that is 2.5 times higher than the closest one, and 23.33 times higher than the second fee is obviously punitive toward those to whom it is directed.

The Meter Choice program is not being considered as part of this redesign, yet this fee is directed exclusively toward those in the Meter Choice Program. I ask that the consideration of this new fee be reserved for consideration when the Meter Choice program is reviewed in its entirety.

These increased fees appear to be justified solely as a means of reducing BC Hydro's budgetary deficiencies and bear no relationship to the actual work involved.

With regard to BC Hydro's application for review of the Electrical Tariff, I have the following questions and comments:

**11) Definitions (1.5) Radio-Off Meter. "The Smart Meter adjusted so that the meter's components that transmit data by radio are deactivated."**

Clarification is required to include the ability of the meter's components to receive data by radio. Customers who are paying the "opt out" fee have been assured that all wireless functions will be deactivated, and this includes any and all reception and transmission of microwave radio signals.

Including both transmission and reception of data is consistent with the definition of a Smart Meter:

**"Smart Meter**      **An Electricity meter that:**  
**1. Meets the requirements set out in section 2 of the Smart Meters and Smart Grid Regulation, B.C. Reg. 368/2010, and**  
**2. Has components that transmit and / or receive data by radio and those components are activated**

**2 2) 9.5 Liability of BC Hydro:** The current provision reads:

*"BC Hydro will endeavour to provide a regular and uninterrupted supply of Electricity but does not guarantee a constant supply of Electricity or the maintenance of unvaried frequency or voltage and will not be responsible or liable for any loss, injury, damage or expense caused by or resulting from any interruption, termination, failure or defect in the provision of Electricity, whether caused by the negligence of BC Hydro, or its representatives or agents or otherwise, except to the extent that the loss, injury, damage or expense results directly from the wilful misconduct of BC Hydro or its representatives or agents, provided, however, that neither BC Hydro, nor any of its representatives or agents is responsible for any loss of profit, loss of revenue or other economic loss, even if the loss arises directly from the wilful misconduct of BC Hydro or its representatives or agents."*

As a customer of BC Hydro I would like an explanation regarding the exclusion of all liability regardless even if BC Hydro or its employees cause the damage, whether by accident, negligence or through deliberate act. I know of no other business or corporation that would be allowed to include such a waiver in a contract. Would this stand up in court? I doubt it.

3 3) **Service Agreement 2.1** As it currently reads says:

***“BC Hydro serves Customers solely in accordance with the Electric Tariff, including Terms and Conditions and Rate Schedules. Individuals, persons or other entities seeking to become Customers and purchase Electricity shall apply for service.”***

BC Hydro is applying to remove this statement entirely.

This is the crux of the unilateral contract between BC Hydro and its customers. BC Hydro is held to account and limited by this Service Agreement, and only this Agreement. If this statement’s removal is allowed to stand there is no limit to BC Hydro’s power or actions.

Likewise, this being a contract between the 2 parties, if one party is not held to it, then the second party is released from commitments as well. A unilateral contract without joint commitments cannot be binding except by a monopoly that determines, perhaps arbitrarily, how and when to provide service and at what cost. To any logical person it appears that the purpose of this Tariff is to ensure that all customers of BC Hydro are treated fairly, equitably, safely, and in a manner that is consistent and reliable.

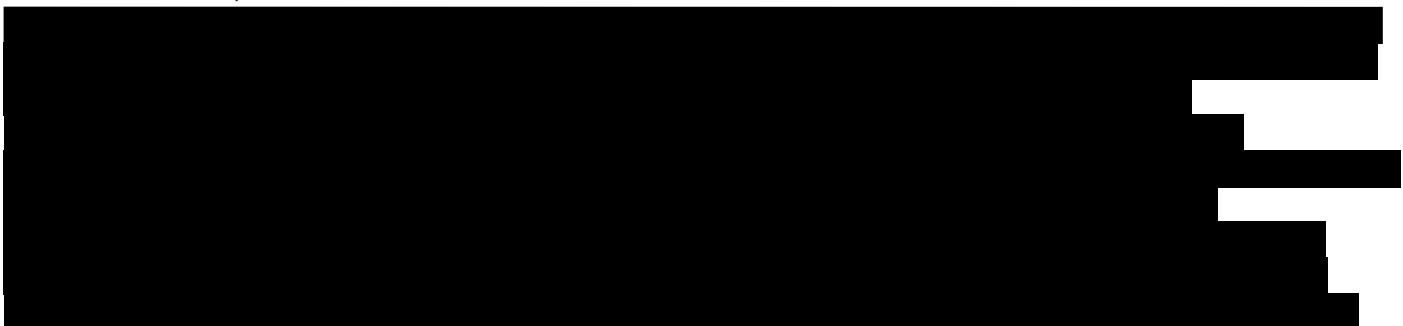
This “contract” is written by and for the benefit and protection of BC Hydro, and is amended at BC Hydro’s request. This statement, that BC Hydro must abide by the Electric Tariff, is the most important one for the protection of the customer. Without this limitation, BC Hydro will be able to act without constraint by the law, and without BC Utilities Commission oversight. **The customer will be entirely at the mercy, and whim, of BC Hydro.**

Sincerely,  
Sharon Noble

---

**From:** BC Hydro Regulatory Group [mailto:bchydroregulatorygroup@bchydro.com]

**Sent:** December 21, 2015 3:37 PM





**Subject:** BC Hydro 2015 Rate Design Application

**Notice of Regulatory Filing**

**BC Hydro 2015 Rate Design Application**

The following has been filed by BC Hydro:

**Filed Documents:** [Proposed Electric Tariff Amendments and Related Documents](#)

Please note that this link will expire within seven days.

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[bhydroregulatorygroup@bhydro.com](mailto:bhydroregulatorygroup@bhydro.com)

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**From:** Dennis and Sharon Noble [REDACTED]  
**Sent:** Wednesday, January 6, 2016 11:11 PM  
**To:** Commission Secretary BCUC:EX  
**Subject:** RE: BC Hydro 2015 Rate Design Application

**Categories:** Sent to staff

Dear Ms. Hamilton,

I do not know the procedures, but I believe my questions and concerns included in my letter below (Dec. 27) warrant a reconsideration of my request for intervener status.

- 1) The Tariff Amendments were not included in the initial application.
- 2) The statement that explained my rejection, that the meter choice program was not included in the rate redesign application proved not to be accurate. In fact, there are several issues that pertain to the meter choice and smart meter program, including the definition of the opt out meter and the new reconnection fee.

This Tariff amendment application is very significant. The public deserves time to review it and to respond. I ask that time be allowed, and consideration be given to accepting my request for reinstatement of my intervener status.

Thank you.

Regards,

*Sharon Noble*

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**From:** Commission Secretary BCUC:EX [mailto:Commission.Secretary@bcuc.com]  
**Sent:** December 31, 2015 2:42 PM  
**To:** 'Dennis and Sharon Noble' [REDACTED]  
**Subject:** RE: BC Hydro 2015 Rate Design Application

Dear Ms. Noble,

Thank you for your email. With regards to your request for a response to your questions, a letter of comment in a proceeding is for members of the public to identify their support for, concerns about or impacts of an application, or to provide other information relevant to the proceeding. It does not trigger the same procedures as the complaint or enquiry process; there is no requirement for parties to respond to letters of comment filed on the public record. If you would like responses from BC Hydro, you should file the letter through the complaints handling process, rather than the letter of comment process. You may do both (submit a letter of comment in this proceeding and submit your questions through the complaints handling process), but they should be separate from one another.



In your email you also request "a copy of the email with the reason." I believe you are referring to Order G-175-15, issued on November 3, 2015. A copy of the email issuing that order is attached for your reference. The Order is also posted on the Commission's website at: [http://www.bcuc.com/Documents/Proceedings/2015/DOC\\_44974\\_A-4\\_AppendixB-Submissions\\_G-175-15.pdf](http://www.bcuc.com/Documents/Proceedings/2015/DOC_44974_A-4_AppendixB-Submissions_G-175-15.pdf).

Regards,

**Laura Sharpe**

**Manager, Information Services Group**

**British Columbia Utilities Commission**

Phone: 604.660.4700 | Fax: 604.660.1102 | Toll Free: 1.800.663.1385

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**From:** Dennis and Sharon Noble [REDACTED]  
**Sent:** Wednesday, December 30, 2015 5:49 PM  
**To:** Commission Secretary BCUC:EX  
**Subject:** RE: BC Hydro 2015 Rate Design Application

Dear Ms. Sharpe,

Please consider my email below as a letter of comment. Could you please provide me a copy of the email with the reason?

I would appreciate a response to my questions which I believe to be relevant and pertinent. This entire process seems to be designed to prevent meaningful input by the public, especially given the timing – during the holiday season.

Regards,

*Sharon Noble*

Walk with the dreamers, the believers, the courageous, the cheerful, the planners, the doers, the successful people with their heads in the clouds and their feet on the ground." ~ Wilferd A. Peterson

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**From:** Commission Secretary BCUC:EX [<mailto:Commission.Secretary@bcuc.com>]  
**Sent:** December 30, 2015 4:29 PM  
**To:** 'Dennis and Sharon Noble' [REDACTED]  
**Subject:** RE: BC Hydro 2015 Rate Design Application

Dear Ms. Noble,

Thank you for your email dated December 27, 2015, regarding the BC Hydro 2015 Rate Design Application. In your email you state you are an intervener in the Commission's review of this application; however, your intervener status was rescinded pursuant to Commission Order G-175-15, Directive 7. Although you are no longer an intervener in this process, you can still submit a letter of comment. Letters of comment must contain the commenter's name, contact information and a statement of their position on the application. Letters of comment form part of the public record for the proceeding and are posted on the Commission's website. Prior to posting your submission to the website, your contact information will be removed unless requested otherwise. A copy will be provided to the Commission Panel and all participants will be notified of your submission.

Regards,

**Laura Sharpe**  
Manager, Information Services Group  
British Columbia Utilities Commission  
Phone: 604.660.4700 | Fax: 604.660.1102 | Toll Free: 1.800.663.1385

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*in the provision of Electricity, whether caused by the negligence of BC Hydro, or its representatives or agents or otherwise, except to the extent that the loss, injury, damage or expense results directly from the wilful misconduct of BC Hydro or its representatives or agents, provided, however, that neither BC Hydro, nor any of its representatives or agents is responsible for any loss of profit, loss of revenue or other economic loss, even if the loss arises directly from the wilful misconduct of BC Hydro or its representatives or agents.”*

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Sincerely,  
Sharon Noble

**From:** BC Hydro Regulatory Group [<mailto:bhydroregulatorygroup@bhydro.com>]

**Sent:** December 21, 2015 3:37 PM



**Subject:** BC Hydro 2015 Rate Design Application

**Notice of Regulatory Filing**

**BC Hydro 2015 Rate Design Application**

The following has been filed by BC Hydro:

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