

Senior Administrator  
BC Utilities Commission  
Box 250, 900 Howe Street  
Vancouver, BC V6Z 2N3  
Fax: 604-660-1102

Attention: Ms. Erica Hamilton, Secretary to the Commission

Date: Jan 13, 2016

Dear Ms. Hamilton,

Re: BC Hydro - 2015 Rate Design Application - Letter of Comment re Sharon Noble  
// Log No. 51126 ; Exhibit A-9 and NERC.

It has come to my attention that Sharon Noble's intervener status has been rescinded by the Commission's office. I believe it's wrong for you to deny any ratepayer this right, especially since Sharon Noble defends the serious concerns of tens of thousands of British Columbians like myself. Thus her input is of tremendous importance.

On that ground I demand that she be reinstated as an intervener so our voices can be heard through her willingness to do this work.

Another matter that is quite concerning is the following.

**9.**

**5 Liability of BC Hydro:**

The current provision reads:

*"BC Hydro will endeavor 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 willful 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 willful misconduct of BC Hydro or its representatives or agents."*

This is just wrong. No one should be able to exempt themselves from their negligent acts. Forcing others to have to prove willful misconduct against individuals who often neglect to identify themselves.

I also object to BC Hydro application to remove the following statement:

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.”***

If this statement’s removal is allowed to stand there is no limit to BC Hydro’s power or actions. The control of British-Columbians over the Crown Corporation does not exist, as it belongs to the CROWN and is controlled by the BC Lieutenant Governor.

However, although the powers invested by the Monarch in Her Appointees through the Constitution Act, 1867, and carried forth by the Charter, 1982, grants the Crown the right to demand allegiance and obedience from its Classes of Subjects, the Charter of 1982 removed any obligations that the Crown’s laws may have had over the Human Being inhabiting the land, including British Columbia, due to the State party’s human rights obligations expressed in said Constitution Act of Canada, 1982, as that self-same Charter, 1982, gave access to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Social, Economic and Cultural Rights (ICESCR), The Universal Declaration of Human Rights (UDHR), the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (DRRIS), as well as other international human rights instruments of law, which Canada as a member-state of the United Nations signed and implemented with the Canadian Constitution Act, 1982, the Charter of Rights and Freedoms.

The application of the Charter, 1982, is clearly defined under Application of Charter, where we find in Section 52 - Constitution Act, 1982 that *The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect. This section of the Constitution gives the courts the power to rule that a particular law is not valid if it violates the Charter, which is itself part of the Constitution. While section 52(1) is not part of the Charter, it provides courts with an important power to strike down laws that violate Charter rights. If only part of the law violates the Constitution, only that part will be ruled invalid.*

**In Article 26 under *Other rights and freedoms not affected by [the] Charter*** we read: *The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.*

It is these rights and freedoms that are encased in the ICCPR, the ICESCR, the UDHR and other international Human Rights instruments of law already mentioned, which Canada, a member of the United Nations, accepted and signed into domestic law and which apply to the BC HYDRO corporation as well.

The Constitution Act, 1982, in article 32(1) furthermore specifies that it [only] applies:

- (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and*
- (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.*

Thus, section 32(1) unequivocally decrees that the Crown's laws apply to the Crown's Classes of Subjects only.

Thus, no one acting in an official capacity at any level of government, no province, city, municipality, town, village, county, township, parish, or other territorial or local division of Canada or at BC HYDRO can invoke, enact and impose laws and regulations contravening the human rights and freedoms decreed in the aforementioned covenants, declarations and other international Human Rights instruments of law including installing smart-meters on houses without the owners/lease-holders content. All property is held in emphytheusis with Her Majesty the Queen in right of Canada and not by the one who dwells on said property.

If B.C. Hydro has handed control of the direction of some or all of its operations to the North **American Electric Reliability Corporation (NERC)**, a [nonprofit](#) corporation based in [Atlanta, Georgia](#), and formed on March 28, 2006, to ensure the reliability of the North American bulk power system it further impedes local control over BC Hydro. Please forward the NERC's agreement with B.C. Hydro and the B.C.U.C.'s role and responsibility in regards to this matter.

Thank you for your time and consideration.

H. Nattanya Andersen, Human Being

