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October 4, 2016

Ms. Laurel Ross
Acting Commission Secretary
British Columbia Utilities Commission
Sixth Floor – 900 Howe Street
Vancouver, BC V6Z 2N3

Dear Ms. Ross:

RE: Project No. 3698869
British Columbia Utilities Commission (BCUC or Commission)
British Columbia Hydro and Power Authority (BC Hydro)
F2017-F2019 Revenue Requirements

BC Hydro writes in response to the Commission's letter of September 28, 2016, which requested submissions on Mr. Bryenton's application for leave to file a late intervention on behalf of "BC Hydro Ratepayers Association".

BC Hydro values public participation in regulatory processes. For this reason, BC Hydro typically consents to requests for late intervention. In the current circumstances, the timing of the request (which came only five days late) does not prejudice BC Hydro and thus poses no concern. Our concern is that Mr. Bryenton is seeking to intervene on behalf of "BC Hydro Ratepayers Association", not on his own behalf. We submit that Mr. Bryenton has not demonstrated that he has the mandate to represent others in this proceeding. He is also using an inappropriate name for his group.

No Confirmation that People Have Consented to Mr. Bryenton Acting as their Representative

Although Mr. Bryenton states that his association "is a province-wide federation of electricity customers of BC Hydro with approximately 1,750 members...", this number appears to be derived from the number of people on the Facebook page that Mr. Bryenton has set up at: <https://www.facebook.com/groups/1212423378782473/>. A screen shot of the main page is appended as **Attachment 1**.

There are five main reasons why this Facebook group is an insufficient basis for Mr. Bryenton to claim to represent the interests of other BC Hydro customers in this proceeding.

- First, visitors to his page are not advised that, by clicking “join group”, they will be considered formal members of an association. Indeed, it would not be immediately clear to a visitor to Mr. Bryenton’s webpage that clicking “join group” has any significance at all. One must click on “join group” just to participate in the dialogue on Facebook, whether or not individuals support what is being discussed.
- Second, visitors to his page are not advised that Mr. Bryenton will deem clicking “join group” to be consent to have Mr. Bryenton represent them in regulatory proceedings. The mandate articulated by Mr. Bryenton in his correspondence with the Commission, which appears on the main page, makes no mention about intervention in Commission proceedings.
- Third, the screen shots included as **Attachment 2** illustrate how, despite Mr. Bryenton’s articulation of the group’s mandate, there are still differences of opinion on that front. The discussion on the Facebook page also extends far beyond issues relevant to BC Hydro.
- Fourth, although Mr. Bryenton characterizes the membership as being from British Columbia, there appears to be no requirement that the visitors to that page who click “join group” are located in British Columbia or are BC Hydro customers.
- Fifth, it is not at all clear that each of the members Mr. Bryenton is purporting to represent even joined the Facebook group themselves. Facebook operates such that, once someone is a member of a public group they can add any add any Facebook “friends” directly to the group. Unless those individuals specifically remove themselves, they will remain members. In the screen shots included as **Attachment 3**, Mr. Bryenton encourages people to “please keep adding your friends and families.” Another group member also states:

Unless someone would be very put out, just add them directly to the group, it saves effort, gets them in the loop and is very simple to reverse with a single click. If you have a friend working on the dam, it might be a bit tasteless to do so with them, though.

The Commission asked Mr. Bryenton to provide the identities of any “authorized representatives and addresses”. He identified several “directors”. However, the association does not appear to be incorporated (an application to incorporate was rejected, as discussed next), and these individuals are thus not “directors” in the legal sense. There is similarly no indication to visitors to the site that these other individuals will be representing their interests in a regulatory proceeding.

The same concerns exist for the current interested party status, but the practical significance is much greater when there is an intervention that entitles a party to actively participate in the proceeding. An intervener’s greater procedural rights come with greater responsibilities. Mr. Bryenton bears a heavier burden to demonstrate that he has a mandate to represent other people.

The Name that Mr. Bryenton Has Chosen Is Inappropriate

The name “BC Hydro Ratepayers Association” is also inappropriate.

BC Registry Services has already rejected Mr. Bryenton’s request to incorporate a society based on his use of that name. Mr. Bryenton posted a copy of his rejection on his main webpage, and a copy is included as **Attachment 4**. The Registrar’s reason for rejecting Mr. Bryenton’s application was: “Conflicts with “BC HYDRO” NAMES OR INITIALS OF WELL KNOWN UTILITIES AND RAILROADS ARE NOT AVAILABLE WITHOUT THE APPROPRIATE CONSENT.” BC Hydro has not consented to the use of the BC Hydro name. Irrespective of whether the use of the BC Hydro name is lawful (it is not), the Commission should not allow its use in the regulatory process because it would have the potential to create the impression there is a relationship between BC Hydro and the intervener.

Concluding Remarks

Mr. Bryenton has not met the burden of demonstrating that he should be allowed to register to intervene as a group, irrespective of the name. The Commission should require Mr. Bryenton to demonstrate that people have made a deliberate and informed choice to have Mr. Bryenton and his “directors” represent them for an intervention in this regulatory proceeding, since intervening in a proceeding carries with it certain responsibilities. BC Hydro submits that allowing an intervention by a ratepayer group in the absence of clear evidence that its purported members are ratepayers who want to be represented in this proceeding would be contrary to the public interest.

We would not object to a prompt request by Mr. Bryenton to intervene on his own behalf, provided that he is held to the same timeline as other interveners and respects the Commission’s scoping order. On the latter point, much of Mr. Bryenton’s webpage is devoted to opposition to the Site C Clean Energy Project. The Commission has confirmed that the need for and alternatives to the Site C Clean Energy Project is outside the scope of this revenue requirements proceeding. Section 7 of the *Clean Energy Act* exempts the Project from the requirement to obtain a Certificate of Public Convenience and Necessity.

For further information, please contact Fred James at 604-623-4317 or by email at bchydroregulatorygroup@bchydro.com.

Yours sincerely,



Tom Loski
Chief Regulatory Officer
TL/af
Enclosure

Attachment 1

Facebook Main Page

Ratepayers Unite Against Rising Costs:
Keep the Peace Valley, Keep Electric Rates Low

BC Hydro Ratepayers Association
Public Group

Site C Dam: \$8 Billion,
Not Needed, not "Clean"

Join Group

Discussion Members Events Photos

Search this group

Join this group to post and comment. [+ Join Group](#)

MEMBERS 1,768 Members

DESCRIPTION
The voice for BC power users, insists on accounting:
High rate increases,
- Operating without the full and proper oversight of the BC Utilities Commission,
- Committing to unnecessary, expensive and environmentally destructive projects like the Site C Dam,
- Lack of adequate consultation with First Nations,
- Failure to explore least-cost, truly clean, conservation and sustainable power generation and provide ongoing employment
- a seat on the Board of Directors.

TAGS
Energy conservation · Efficient energy use

PINNED POST

Roger Bryenton
September 21 at 2:50pm · Vancouver

Ratepayers - Good News! We have filed in Federal Court for a Judicial Review of the Fisheries permit allowing BC Hydro to cause "serious harm to fish": 90% to total loss of two species and unknown harm to Bull Trout. We have asked for an injunction and to stop the project. BC Hydro cannot continue to abuse the planet and our people. We do not even need the electricity. Please ask your friends and families to join the Ratepayers. Thank you.

79
11 Comments 71 Shares

Like Share

Attachment 2

Excerpts Relating to Mandate



Scott Donovan

September 27 at 11:17pm

I'm going to leave this group and I'm sorry to do so. The bullet point is that this was a grass roots organization against the site c dam. I'm entirely against the dam but in a mere couple of posts we've moved into new issues and my affiliation implicits my complicity.

Should have made a new page. Sloppy, Roger. Sloppy.

Like Share



Shelley Ouellette Which issue?

Like · September 27 at 11:24pm



Melodie Godsman Not sure what u mean Scott Donovan

Like · September 28 at 1:45am



Ron Osborne I don't know what you mean Scott Donovan ..

Like · September 28 at 9:42am



Sherry Lynn Klepsch Bye bye.....

Like · September 28 at 10:37am



Jo-Anne Rees I agree with Scott. I thought the group was against our bc hydro selling of our bc power for nothing in return for bc tacpayorz etc. What the group had turned into is a complaint house for every thing bc does particularly Premier Clark.

Like · September 28 at 8:43pm



Vivian Clarke Well Christy Clark in particular is leading the charge to build site C I think she is pretty much a big part of the conversation myself.

Like · 2 · September 28 at 10:02pm



Shelley Ouellette It's because of the blatant corruption of her and her government that we have to fight for our environment on many fronts. Not only the dam, but health care, education and on and on. If you're a fan of hers, good riddance is what I say.

Like · 4 · September 28 at 10:13pm



Roger Bryenton Wouldn't a court challenge of the fisheries permit qualify as "against BC Hydro"?

Like · 2 · September 28 at 9:27pm



Patricia White All extraction industries go hand in hand. Splitting hairs over which one is 'relevant' isn't going to get us anywhere. The whole future of BC is at stake; of Mother Earth Herself. We need to stick together and never give up; which is the lesson Wild Salmon teach us.

Like · 4 · September 28 at 10:30pm



Sherry Lynn Klepsch Yup!

Like · 1 · September 29 at 12:14am



Darryl R Taylor There is a point that Scott Donovan does make, although it is not one that would have me choose to leave any group that I generally agree with:

When groups lose focus and "Off Topic" gains any level of prevalence in the information flow, well, they lose focus.

A large number of the land and water defense online communities of BC do eventually begin to sprawl, and the homogenization of content reduces their value and their interest for people who themselves have a tight focus on a specific project or situation, but may deliberately choose to limit their chosen "causes" deliberately, or even disagree with the decisions of other projects that the groups might lump in with their own.



Roger Bryenton

September 27 at 10:24pm · Vancouver

Petronas's LNG plant at Prince Rupert approval for First Nations, and our province. Do not be surprised if we propose electrifying the LNG compression and it will cost 3x what it would cost using natural gas show!

Like Share

Like 16



Scott Donovan That is a naive position. I'm against the most of our natural gas deposits as they're too fossil fuel.

Stick to no site c. Or do some more reading and

Like · September 27 at 10:28pm



Scott Donovan Or you'll lose me and others. Just

Like · September 27 at 10:28pm



Brian Sproule Let us build a powerful movement to end our marginalization and become decision makers

Like · 1 · September 27 at 10:35pm



Liz Galenzoski Direct democracy! Let voters be binding on governments, end these continuingly damaging 'gong' shows. Join BC Refed now

Like · September 28 at 7:24am



Patricia White A lot more people are going to be active to Protect what is left of 'Beautiful British Columbia' heartbreaking and frustrating; thank heavens for keeping on top of this; spreading the word. Please need to, then jump back in knowing many people are trying our best to get people to WAKE THE F UP. Here's a photo of my friend Georges singing his

 **Scott Donovan** It doesn't take rocket appliances to decide to be specific with a political issue instead of being tarred by a large brush that's actually not relevant to our exact definition. Down with bc hydro and Christy Clarks cash cow. If you're against LNG , start another page. Otherwise you're just thinning out what we're doing here.

Like · September 27 at 10:39pm

 **Scott Donovan** If this keeps up, I'll leave this group. That's not why I joined. Does that make more sense?

Like · September 27 at 10:41pm

 **Patricia White** Sorry Scott I don't understand what you're saying about this group. What am I missing here, please?

Like · 1 · September 27 at 10:42pm

 **Scott Donovan** What does the LNG approval have to do with being a bc hydro rate payer?

Like · September 27 at 10:44pm

 **Patricia White** Oh yes. Some clarification would be helpful. I suspect Site C is being built to supply power for fracking. Not sure what others suspect, or know.

Like · 1 · September 27 at 10:45pm

 **Scott Donovan** That was the original story, later proven wrong. But this site isn't about Fracking either. Please keep it specific. The legitimacy of the whole issue is at stake.

Like · September 27 at 10:47pm

 **John Hill** Spinning out of ConTroll Scott Donovan?

Like · September 27 at 10:48pm

 **Scott Donovan** What does that mean? One of those aren't even a word.

Like · September 27 at 10:48pm

 **Patricia White** I hope everyone saw the great news about RAVENTRUST having enough funding to proceed to court about Site C. ❤️👍👉

Like · 4 · September 27 at 10:50pm

 **Scott Donovan** Good news. But...???

Like · September 27 at 10:53pm

 **Roger Bryenton** Good discussion - thank you. If we are to address climate change, we need to cut back fossil fuel use, and move to truly renewable electricity - wind, solar, geothermal. So if we use deep conservation of existing electricity, it is available for future growth, and to displace some of the existing fossil fuel use. Adding more fossil fuel infrastructure seems to defeat our need to reduce fossil fuel use, yes? So no new tar sands, pipelines, gas extraction, etc. Thus no new LNG. But, BC Gov't needs to make a case for Site C electricity, thus they might well try to justify it for LNG, which I think we showed above, is not a good strategy to address climate change. Does this make sense? It is kind of a tangled in interwoven system of various energy supplies and uses and can get pretty complicated thx.

Like · 2 · September 27 at 11:03pm

 **Scott Donovan** They have not used the LNG plants as justification for the dam for quite some time.

Like · September 27 at 11:05pm

 **Jo-Anne Rees** LNG needs funding though and hydro dam to sell off power to US might be the financial plan!

Like · 1 · September 28 at 9:05pm

 **Roger Bryenton** Let's see if they come back to it... will be interesting to find out.

Like · 2 · September 27 at 11:13pm



Mark Matthews

July 15



ExxonMobil: New Disclosures Show Oil Giant Still Funding Climate Science Denial Groups

ExxonMobil and the climate science denial machinery that it has helped to build over the years are now under more scrutiny than ever before.

DESMOGBLOG.COM

Like Share

6



Ron Osborne And worse than that . Exxon were sued for billions re the Alaska disastrous oil spill BUT they actually only paid 500k. (crooked American courts ?) the effects of that Alaska oil spill are still there to this day.. just ask the fishermen whose livelihoods are affected !!!

Like · July 15 at 9:03am



Denise Rouleau Tessier Yes liars, furthermore a spill NEVER wifl be pristine as it was. Cannot be cleaned up or just go 🤢

Like · July 15 at 4:43pm



Irene Jacobson

August 30



Peterborough chapter files Freedom of Information request on PDI sale

The Council of Canadians Peterborough chapter opposes the possible sale of Peterborough Distribution Inc. (PDI), the city-owned utility that distributes...

CANADIANS.ORG

Like Share

8

1 share



Ron Osborne The City of Nelson BC once owned it's Electric Utility and it works FOR the Citizens Hang on to yours Peterborough !!

Like · 2 · August 30 at 9:43am



Linda Lea Fox City of New West owns its own too. great people, proactive and open to interaction

Like · August 30 at 9:59am



Liz Galenzoski Responsible governments everywhere understand that by offering necessary services to their citizens at affordable prices provides the money with which to fund services that need money, but can't generate any from their own activities. Social Services and Education are two such services that benefit from government owned power and other similar services.

Like · August 31 at 9:55am



Irene Jacobson

September 5 at 11:49am



Nestle is about to suck BC dry—for \$2.25 per million litres to be exact.

And the government is helping make it happen.

ACTIONS.SUMOFUS.ORG

Like Share

15

4 shares



Cat Brynton

Like · September 5 at 12:00pm



Vikki Peters boycott Nestle!

Like · 1 · September 5 at 12:31pm



Kathryn Ens BTWN fracking and giving away our water we will all have a water bill. This is the plan!

Like · September 5 at 12:49pm



Ron Osborne With the approval of our Federal and provincial Gov't's. Nestle is a rogue business operator Unfriendly to the environment..our precious water is their profit..courtesy of our Gov'ts.

Like · 1 · September 5 at 2:21pm



Sherry Lynn Klepsch Helping to "create jobs", "help families" and "build the economy".....snafu!

Like · September 6 at 1:47pm



G Barry Stewart Boycott any retailer who sells bottled water for more than 49¢. Safeway charges that in their delis, providing a healthy alternative to pop, while still getting more mark-up than they do for most of their products. It's water retailers who are the big rip-off, no matter what brand.

As for Nestlé in BC, they provide a lot of jobs in Hope and the aquifer they are drawing from is overflowing in abundance. 70+ jobs have been created out of water that used to just flow into a lake and on to the Fraser. Kawkawa Lake still exits into the Coquihalla, then the Fraser. If it stops, Nestlé will know they are taking too much.

Attachment 3

Individuals Being Added By Members



Roger Bryenton

August 27 · Vancouver



Great News! We just hit 1,600 members! Please keep adding your frineds and families. thank you

Like Share

16



Stacey Scott Wow! That's great Uncle!...

Like · August 27 at 8:42pm



Patricia White Do you have an email list or website? I have several friends who don't use Facebook but are very active in the emf problems with smart meters etc. and billing...legalities

Like · 1 · August 27 at 11:14pm



Roger Bryenton

July 14 · Vancouver



LOL! We blew through 1200 members last night. Thank you all, please keep adding your friends and family. We want to take on BC Hydro en masse! We need more members, please.

Like Share

24

6 shares



Erika Koenig-Workman Fantastic I will invite more friends

Like · 2 · July 14 at 9:53am



Roger Bryenton

September 21 at 2:50pm · Vancouver

Ratepayers - Good News! We have filed in Federal Court for a Judicial Review of the Fisheries permit allowing BC Hydro to cause "serious harm to fish": 90% to total loss of two species and unknown harm to Bull Trout. We have asked for an injunction and to stop the project. BC Hydro cannot continue to abuse the planet and our people. We do not even need the electricity. Please ask your friends and families to join the Ratepayers. Thank you.

👍❤️😬 78

11 Comments 71 Shares

👍 Like ➦ Share



Leanne Hodges excellent ! good work Margaret Mead would be proud ❤️

Like · September 21 at 2:53pm



Gloria Lachance wonderful Roger

Like · 🇺🇸 1 · September 21 at 3:16pm



Emma Lui Amazing!! Nice work!

Like · September 21 at 5:17pm



Elizabeth Psyllakis I cut an amazing amount off my Hydro bill with stopping dryer use and the dishwasher. Lights out except the ONE I need at ! Putting on a sweater or using a throw rather than banging up the heat. Got to beat them at their own game as there seems to be no other way.

Like · 🇺🇸 5 · September 21 at 7:29pm



Lois Neufeld Larose Good work! I had my bill down to \$15/ mth. I lived in a building with a boiler so heat and hot water were included. My bill went down 20-25% when i got rid of my deck top computer, replaced by laptop that was unplugged when not in use.

Like · September 22 at 6:38am



Melodie Godsman That is SUCH great news Roger! Congrats. You all have worked so hard 😊

Like · 🇺🇸 1 · September 21 at 7:57pm



Darryl R Taylor Unless someone would be very put out, just add them directly to the group, it saves effort, gets them in the loop and is very simple to reverse with a single click.

If you have a friend working on the dam, it might be a bit tasteless to do so with them, though.

Like · September 27 at 12:54pm

Attachment 4

BC Registry Services Rejection



BC Registry
Services

RESULTS OF NAME REQUEST

www.bcregistryservices.gov.bc.ca

YOUR NAME REQUEST #: NR 8874652

Bryexxx, Roger

Vancouver BC
CANADA

Name Choices

Type: Society - Incorporation

Name: BC HYDRO RATEPAYERS ASSOCIATION

Status: Rejected

Choice: First Choice

Comments: Conflicts with: -
* BC HYDRO * NAMES OR INITIALS OF WELL KNOWN UTILITIES AND RAILROADS ARE NOT AVAILABLE WITHOUT THE APPROPRIATE CONSENT.

Name: BC HYDRO IRATEPAYERS ASSOCIATION

Status: Rejected

Choice: Second Choice

Comments: Conflicts with: -
* BC HYDRO * NAMES OR INITIALS OF WELL KNOWN UTILITIES AND RAILROADS ARE NOT AVAILABLE