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July 11, 2017

British Columbia Utilities Commission
Sixth Floor, 900 Howe Street, Box 250
Vancouver, BC, V6Z 2N3
Attn: Patrick Wruck, Commission Secretary
By Web Posting

Dear Sir:

Re: FortisBC Inc. Application for Reconsideration and Variance of Order G-199-16 FBC Net Metering Program Tariff Update Decision ~ Phase 2 ~ Project No.3698875
B.C. Sustainable Energy Association and Sierra Club B.C.
Request for disclosure

I am writing for BCSEA-SCBC to respectfully request that the Commission disclose publicly and post on the proceeding website, with redaction if necessary, the letter from a party received by the Commission on May 31, 2017 and referred to in the Commission's July 11, 2017 letter to the parties [Exhibit A-5].

For reference, the letter in question is referred to in the following paragraph:

“On May 31, 2017, the Commission received a letter from a party in the proceeding regarding the regulatory process moving forward. The party expressed that a written process is too complicated and onerous for individual participants with limited resources, and feels that they are unable to participate fully and are underrepresented in a written process. The letter indicates that an oral regulatory session is preferred, since it provides the necessary opportunity to have a round table discussion on matters within the proceeding and to allow customers to question FBC on some of the information and statements it has provided to the Commission. The Commission has not publicly posted the letter in this proceeding as it contains inappropriate content for distribution.” [underline added]

Information filed by a party in a proceeding is presumed to be placed on the evidentiary record and may be made publicly available, unless exceptions apply. Rule 17.01 states:

“17.01 Subject to the following, and to other related statutory provisions and exceptions or exclusions by law, including the *Freedom of Information and Protection of Privacy Act*, the *Utilities Commission Act* and the *Administrative Tribunals Act*, information filed by parties in a matter before the Commission will be placed on the evidentiary record and may be made publicly available.”

The phrase “inappropriate content for distribution” is presumably intentionally broad. However, it is noted that the Commission's usual practice is to redact personal information in submissions that are posted on the record of a proceeding or to apply the Rules Part IV concerning confidential documents where appropriate. Neither of those procedures were apparently relied on to justify non-disclosure of the May 31, 2017 filing. I am not aware of a previous occasion in

which the Commission has received and acted upon a submission that it declined to post publicly due to “inappropriate content for distribution.”

As a matter of fairness, the parties are generally entitled “to know the case to be met.” In the present circumstances, the non-disclosure of the May 31, 2017 letter begs the question of whether the “inappropriate content for distribution” in the letter is relevant to the merits of a workshop and its scope in the current proceeding, which are issues the parties have been invited to address by Friday July 21, 2017. Thus, disclosure of the May 31, 2017 letter is warranted as a matter of fairness.

I acknowledge that there may be legitimate reasons for redaction of some portions of the letter if it is made public, depending on the nature of the “inappropriate content for distribution.” If such redactions are made I would ask that the Commission provide the reason for the redactions.

All the above is respectfully submitted.

Yours truly,

William J. Andrews

A handwritten signature in black ink, appearing to be 'WJ Andrews', written over a horizontal line.

Barrister & Solicitor