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Our File No.: 05497-0245

July 17, 2017

BY ELECTRONIC FILING

British Columbia Utilities Commission
6th Floor, 900 Howe Street
Vancouver, BC V6Z 2N3

Attention: Patrick Wruck, Commission Secretary and Manager, Regulatory Support

Dear Sirs/Mesdames:

**Re: FortisBC Inc. 2016 Long Term Electric Resource Plan &
Long Term Demand Side Management Plan (BCUC
Project No. 3698896)**

We are counsel for FortisBC Inc. (FBC) in respect of the above noted British Columbia Utilities Commission (BCUC or the Commission) proceeding.

We write regarding the request of Mr. Andy Shadrack, by email to the Commission dated July 7, 2017, for leave to file late intervenor evidence in this proceeding (Ex. C10-9), as well as the Commission's Order G-107-17, dated July 13, 2017, by which leave was granted to Mr. Shadrack to file his late intervenor evidence and the regulatory timetable for this proceeding amended.

FBC received notice of Mr. Shadrack's request at the same time as it received notice of the order. As such, it did not have the opportunity to respond to the request in advance of the order being made.

We are not certain of whether the problem in this instance stemmed from the mode of filing or from the timing of the posting of Mr. Shadrack's request to the Commission's website, and expect that whatever occurred was inadvertent. However, we did wish to draw this to the attention of the Commission and participants in order that steps may be taken to avoid this occurring in future, given the procedural fairness concerns the incident raises. In particular, FBC was entitled to reasonable notice of Mr. Shadrack's application to vary the Commission's prior orders regarding the regulatory timetable and to be given an opportunity to respond.

In this case, having now had the opportunity to review the content of the evidence that Mr. Shadrack sought to file late, FBC will not be objecting to the filing of that evidence or seeking to set aside the order. However, FBC does note that there would have been a basis on which to do so. Pursuant to Order G-197-16, the deadline for intervenor evidence to be submitted was May 25, 2017. The sum and

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substance of the late-filed evidence is a report dated “December 2016” of the Community Energy Association (CEA), titled “Regional District Central Kootenay Area ‘D’ and Kaslo Green Energy Opportunities Scan”. The CEA’s website indicates that the report was posted and publically available no later than April 21, 2017. We note that Mr. Shadrack was formerly a director of Electoral Area “D” in the Regional District of Central Kootenay, which is itself a member of the CEA. He is in fact mentioned as such in the CEA report being tendered in evidence (see p. 35).

This said, again, having now reviewed the content of the report FBC is not objecting to the filing of it. We simply wish (1) to note the procedural issue for the record so that FBC is not taken as accepting the process that occurred as a precedent for the future and (2) as noted earlier, to ensure that any necessary steps are taken to address whatever problem resulted in FBC not having notice of the request before an order was granted, so that the issue not recur in future.

Thank you.

Yours truly,

FARRIS, VAUGHAN, WILLS & MURPHY LLP

Per:



Ludmila B. Herbst, Q.C.

LBH/NTH/bd

c.c.: FBC Regulatory Affairs;
Registered Interveners