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August 1, 2017

BY ELECTRONIC FILING

British Columbia Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC V6Z 2N3

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

Dear Sirs/Mesdames:

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

We write further to Exhibits A-15 and A-16 in the above-noted matter. We very much appreciate the background that the Commission has provided in these documents to the circumstances surrounding Mr. Shadrack's supplemental responses (Exhibit C10-8-1) to information requests (**IRs**).

We have no difficulty in acknowledging that, with the benefit of the information in Exhibits A-15 and A-16, we (1) would not have said in Exhibit B-23 (the letter that relates to Exhibit C10-8-1) that "Mr. Shadrack has proceeded directly to the filing of late responses in the same manner as if Order G-197-16 had been varied or if otherwise directed by the Commission" and that "Mr. Shadrack filed other late material without, as far as we are aware, even making a request that timelines be adjusted for this purpose", and (2) would not have made any associated comments in Exhibit B-23. If the shoe were on the other foot, we would also not like anyone suggesting in the circumstances of which we are now aware that we were materially late or proceeded unilaterally in respect of supplemental IR responses.

In these circumstances, we would be content with a cross-reference being electronically attached on the face of Exhibit B-23 to this letter and/or to Exhibit A-16 (and/or Exhibit A-15). It might be helpful as well, if that is done, for a cross-reference to be made to Exhibit A-16 on the face of Exhibit C10-8-1, which otherwise on its face (and we do not intend any criticism in this) simply appears to be a filing of mid-July 2017 rather than originating in June 27 correspondence.

However, without in any way detracting from the above and without wishing to cause anyone upset, we do not believe that Exhibit B-23 itself should be removed from the record. In this regard:

- Removing an exhibit of this kind from the record would be to cause a step that actually was taken in a proceeding to disappear and be treated as though it had never happened. In our view, only in extreme circumstances should that occur. Participants (and here we refer to utilities as well as interveners) should generally not be encouraged to seek the removal of submissions that contain allegations that evolve after filing or that the Commission ultimately finds against. An extreme circumstance where this general principle might possibly be departed from could be where an exhibit was filed for abusive purposes or to besmirch someone's character. With all due respect to Mr. Shadrack, whose strong wording in Exhibit C10-10 may suggest he feels otherwise, Exhibit B-23 was certainly not that; it derived from the state of the then-existing record, to which various factors had contributed.
- Beyond the importance of protecting the general principle outlined above, here it is now also the case that Exhibit B-23 forms an important backdrop for various other exhibits and events (including Exhibits C10-10, A-15, A-16 and the submissions invited in Exhibit A-16); its removal would leave a gap that renders the record not only incomplete but also difficult to follow.
- Taking the step of withdrawing Exhibit B-23 would also create the impression, counterproductively, that it contains allegations of such a nature and severity that they exceed the ability of Exhibits C10-10, A-15 and A-16 and this letter to address; we do not believe that is the case.

Again, however, we close by expressing our appreciation for Exhibits A-15 and A-16, and reaffirm the acknowledgement expressed in our second paragraph above.

Yours truly,

FARRIS, VAUGHAN, WILLS & MURPHY LLP

Per:



Ludmila B. Herbst, Q.C.

LBH/ltt

c.c.: FBC Regulatory Affairs;
Registered Intervenors