

**Fred James**

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February 9, 2018

Mr. Patrick Wruck
Commission Secretary and Manager
Regulatory Support
British Columbia Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC V6Z 2N3

Dear Mr. Wruck:

**RE: Project No. 1598933
British Columbia Utilities Commission (BCUC or Commission)
British Columbia Hydro and Power Authority (BC Hydro)
Waneta 2017 Transaction Application – Response to Intervener Comments
on BC Hydro’s Proposed Changes to the Regulatory Schedule (Exhibit A-12)**

BC Hydro writes in response to the Commission’s letter of February 6, 2018 (Exhibit A-12) requesting comments from parties regarding BC Hydro’s proposed changes to the regulatory schedule, as outlined in Exhibit B-15.

There are two issues the Commission has requested comments on with respect to the regulatory schedule: (i) information requests (**IRs**) on intervener evidence and BC Hydro rebuttal evidence, and (ii) the need for a Procedural Conference and/or new dates for a Procedural Conference, if required. BC Hydro will address each in turn below.

Timetable for Information Requests on Intervener Evidence and BC Hydro Rebuttal Evidence

With the exception of FortisBC Inc. (**FBC**), all interveners who provided comments on the regulatory schedule are substantively in agreement with BC Hydro’s proposal and submit that it is both manageable and procedurally fair.¹ While BC Sustainable Energy Association and Sierra Club BC (**BCSEA**) has suggested a slight modification to the schedule in the event that no intervener evidence is filed, BC Hydro is supportive of that change and agrees that it will facilitate a fair and efficient process.

In its submission, FBC argues that delays to the current regulatory schedule in addition to BC Hydro’s proposal are necessary to accommodate its access to the confidential information filed by BC Hydro in this proceeding. It notes that, should access be granted to the confidential information, a two-week period to review the information and formulate IRs is reasonable and necessary. FBC further submits that should access be granted, it

¹ Refer to BCSEA’s Submission, Exhibit C2-5; BCOAPO’s Submission, Exhibit C8-4; and CEC’s agreement with BCSEA’s Submission, Exhibit C4-5.

requires an opportunity to ask a second round of IRs on the redacted information. With those exceptions, FBC does not object to the proposed sequencing as outlined in BC Hydro’s proposal and as agreed to by other interveners.

FBC’s submissions were submitted prior to the Commission’s issuance of Order No. G-35-18. As it has done with the other interveners who have sworn Confidentiality Undertakings and requested access to confidential information in this proceeding, BC Hydro will work with FBC to provide the requested confidential information without delay. Given Order No. G-35-18, BC Hydro submits that the timing issues raised by FBC have largely been resolved. In this regard, BC Hydro notes the following:

- BC Hydro submits that while a two-week period to review the confidential information and submit IRs may be desirable to FBC, it is not necessary - indeed, while other interveners have indicated the timeline of one week between intervener evidence (if any) and IRs on intervener evidence is relatively short, it is nonetheless manageable and “certainly not unheard of in BCUC processes such as this.”² BC Hydro agrees with those intervener submissions and appreciates their willingness to facilitate the efficient hearing of this matter;
- There is also no reason why FBC should require an opportunity to ask second round IRs on the confidential information. The second round IRs are expected to be primarily related to providing the Commission and interveners with an opportunity to ask IRs with respect to the Transmission Agreements. FBC has been an intervener in this proceeding and in receipt of the application and all non-confidential information for months. It has also now had the Transmission Agreements since January 31, 2018. The only information FBC has not had is the redacted, confidential filings and BC Hydro submits that there is ample time for FBC to review, assess and ask full and thorough IRs on that information in a timely manner and by February 22, 2018;
- BC Hydro also notes that contrary to FBC’s submissions, all interveners who received access to confidential information (including now FBC) are in the same position with respect to asking confidential IRs. That is, no other party received the confidential information prior to filing round one IRs and no party (other than the Commission) asked confidential IRs. As such, this does not raise a procedural fairness issue.

In summary, and in light of the substantive agreement by the parties with respect to the schedule for information requests on intervener evidence and BC Hydro rebuttal evidence, BC Hydro submits the process is fair, can unfold pursuant to its proposal in Exhibit B-15 and without any further impact to the regulatory schedule.

² Refer to BCOAPO’s Submission, Exhibit C8-4, page 1.

Need for Procedural Conference

FBC and Clean Energy Association of BC (**CEABC**) have both suggested that the Procedural Conference, currently scheduled for February 16, 2018, is both necessary and desirable. While CEABC notes that it will give parties an opportunity to address confidentiality issues, in light of the Commission's February 7, 2018 correspondence (Exhibit A-13) and Order No. G-35-18, issues related to confidentiality were not contemplated for the Procedural Conference and are likely no longer necessary.

Additionally, FBC and CEABC both submit that the February 16, 2018 Procedural Conference will allow parties to make submissions on the need and scheduling of oral hearing dates. BC Hydro reiterates its view, which is shared by BCSEA, British Columbia Old Age Pensioners' Organization, Active Support Against Poverty, Council of Senior Citizens' Organizations of BC, Disability Alliance BC Tenants Resource and Advisory Centre, and Together Against Poverty Society (**BCOAPO**) and Commercial Energy Consumer Association of BC (**CEC**), that the Procedural Conference, as scheduled, is too early. Until parties are able to assess whether (or if) there are any issues between them, then submissions on whether an oral hearing is necessary is premature.

BC Hydro notes BCSEA's proposal that two tentative dates for a procedural conference be set – one shortly after March 20, 2018 in the event there is no intervener evidence filed and one shortly after BC Hydro's rebuttal evidence (if any). BC Hydro agrees with BCSEA's proposal and submits that it satisfies the concerns for timely notice while also affording parties an opportunity to assess their respective positions in light of (any) further evidence filed.

For further information, please contact Geoff Higgins at 604-623-4121 or by email at bchydroregulatorygroup@bchydro.com.

Yours sincerely,



(for) Fred James
Chief Regulatory Officer

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