



Indigenous Utilities Regulation Inquiry

Background

On March 11, 2019, the Lieutenant Governor in Council requested the British Columbia Utilities Commission (BCUC) provide recommendations to Government regarding the regulation of Indigenous utilities in British Columbia. The terms of the Inquiry have been outlined in **Order in Council (OIC) No. 108**. The BCUC established the Inquiry on March 19, 2019 by **Order G-62-19**.

Currently, under the *Utilities Commission Act* most utilities with a connection to an Indigenous community are regulated as public utilities.

The BCUC will be sharing the findings of its Inquiry with the BC Government. An interim report is due to the Government by December 31, 2019 and a final report is due by January 31, 2020.

Scope

The Indigenous Utilities Regulation Inquiry will explore and seek feedback on a number of important questions, including:

What are the characteristics of an "Indigenous Utility" with respect to:



The ownership and operation of the utility;



What services are provided;



Who the services are provided to; and/or,



The location or area served by the utility?

Should Indigenous utilities be regulated or not? And if so, how?



If they should be regulated, should they be regulated by the Utilities Commission Act (UCA) or another mechanism?



If unregulated, how will the interests of Indigenous utility ratepayers be protected?

Who Can Participate?

- Indigenous peoples
- Hereditary leaders
- Elders
- Elected Councils
- All levels of government
- Utility owners and operators
- Members of the public
- Other organizations or associations
- Anyone!



The Panel



David Morton

Panel Chair

Dave was appointed Chair and CEO of the BCUC effective December 31, 2015. Prior to appointment as Chair, Dave

served as Commissioner from November 2010 – December 30, 2015. He has a Bachelor of Applied Science, University of Toronto; Professional Engineer (British Columbia); Licentiate in Accounting, Society of Management Accountants Canada; certified with the ICD.D designation in 2013 by the Institute of Corporate Directors. Previously, Dave was a consultant with over 25 years of experience in the information technology sector, specializing in project management, business and technical analyst services.



Carolann Brewer

Commissioner

Carolann has been appointed to the BCUC as a part-time Commissioner under Section 6 of the Administrative Tribunals Act. She has a Bachelor of

Laws from the University of British Columbia. Her current legal practice focuses on environmental assessment law, additions to reserves as well as Indigenous policy and law.

Carolann has extensive experience in Indigenous law in B.C. and Ontario, where she has advised on reserve land access agreements, resource development, environmental assessments, and Aboriginal Title and Rights matters. She held positions in managerial, legal and senior policy roles with the Lax Kw'alaams Band; Hydro One Networks' Legal Services; the First Nations Financial Management Board; the First Nations' Forestry Council; and the Assembly of First Nations.



Anna Fung

Commissioner

Anna was appointed to the BCUC in December, 2017. She has a Bachelor of Arts (English and French) and Bachelor of Laws, University of

British Columbia. Certified Corporate Counsel designation. Anna is the past President of British Columbia Law Society, Canadian Corporate Counsel Association, People's Law School, Association of Chinese Canadian Professionals and BC Autism Association. She is also the former Vice President, Legal and General Counsel at TimberWest Forest Corp., Corporate Counsel at Intrawest ULC and Senior Counsel at BC Gas Inc.; past Director of the Vancouver Airport Authority, and current Director of the BC Unclaimed Property Society and Arts Club Theatre Society.



Blair Lockhart

Commissioner

Blair was appointed to the BCUC in December, 2018.

She has a Bachelor of Laws from the University of British Columbia, a Master of Laws in

International Environmental Law from SOAS at the University of London, as well as a Bachelor of Science (Honours) from the University of Manitoba, and a Master of Science from University of Alberta. Blair is a former prosecutor with the Attorney General and general counsel for several mineral exploration companies, she has also served as National President for CISV Canada.





Timeline of the Inquiry*



March 11, 2019

OIC Issued



March 19, 2019

**Inquiry
Established**



June/July 2019



**Community
Input Sessions**

See below



July 15, 2019

**Intervener Registration
Closes & Deadline for Written
Evidence Submissions**



**Further
Process**



December 31, 2019

**Interim Report Due
to Government**



January 31, 2020

**Final Report Due
to Government**



**Save the date
Community Input Sessions**

June 3, 2019
Cranbrook

June 10, 2019
Prince Rupert

June 27, 2019
Prince George

June 5, 2019
Kelowna

June 12, 2019
Vancouver

July 3, 2019
Campbell River

June 6, 2019
Kamloops

June 25, 2019
Fort St John

July 4, 2019
Victoria

June 7, 2019
Williams Lake

* *Subject to change*



How to Get Involved



Attending or speaking at an input session

Community input sessions are open to the public. Anyone who would like to speak or make a presentation is required to register via email to **Commission.Secretary@bcuc.com** or by telephone at 1.800.663.1385 before the event is scheduled to take place. A list of dates and locations are available on **bcuc.com**.



Registering as an Interested Party

By registering as an interested party, you will receive an email notification when evidence has been filed in the Inquiry.



Submitting a Letter of Comment

If you would like to share your views and opinions on the Inquiry with the BCUC, you can submit a letter of comment.



Requesting Intervener status before July 15, 2019

Intervener status is for those who want to actively participate in the Inquiry and file evidence for the Panel to consider. Requests to intervene must be submitted before July 15, 2019.

Learn more about getting involved in the Inquiry at **www.bcuc.com/get-involved**.

About the BCUC

The BCUC is a regulatory agency responsible for oversight of energy utilities and compulsory auto insurance in the province of British Columbia. It is the BCUC's role to balance the interests of customers with the interests of the businesses we regulate. The BCUC carries out fair and transparent reviews of matters within its jurisdiction and considers public input where public interest is impacted.

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