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 5, 2019 Kelowna
- June 6, 2019 Kamloops
- June 7, 2019 Williams Lake
- June 10, 2019 Prince Rupert
- June 12, 2019 Vancouver
- June 25, 2019 Fort St John
- June 27, 2019 Prince George
- July 3, 2019 Campbell River
- July 4, 2019 Victoria

* 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.

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.