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E-FILED

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

Attention: Patrick Wruck, Commission Secretary

Dear Sirs/Mesdames:

Re: City of Coquitlam (the “City”) - Application for Reconsideration and Variance of Order No. G-80-19 in the matter of the FortisBC Energy Inc. (“FEI”) Application for Use of Lands under Sections 32 and 33 of the *Utilities Commission Act* (the “UCA”) in the City of Coquitlam for the Lower Mainland Intermediate Pressure System Upgrade Projects (the “Reconsideration”)

We write on behalf of FEI to provide FEI’s submissions on process in accordance with the regulatory timetable established by BCUC Order G-144-19.

The BCUC requested that the City and interveners provide submissions on the following:

- Whether any new evidence should be permitted and if so, the nature of the evidence;
- Whether the hearing should be wholly, or in part, written, oral, or a combination thereof; and
- If an oral component is considered necessary, any upcoming periods of unavailability.

At the outset, FEI agrees with the City’s comment that there is not an urgent need for the BCUC to make a final decision on the Reconsideration. FEI also does not object to the BCUC deferring further process for the Reconsideration until the fall of 2019.

With respect to the specific items for which the BCUC requested submissions from parties, FEI’s submissions follow.



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There is No Need for New Evidence

FEI agrees with the City's submission that there is no need for new evidence at this time. The two grounds of reconsideration cited by the City in the Reconsideration are alleged errors in law with respect to the BCUC's jurisdiction. On this basis, FEI does not believe that new evidence is required.

However, at this time, FEI does not agree with the City's submission on the potential need for new evidence if there is a final determination that section 32 of the *Utilities Commission Act* applies and the BCUC has jurisdiction to determine a cost allocation methodology for the removal of the NPS 20 IP gas line. The City has not provided a description of the types of evidence it believes may be required, and why this evidence was not available at the time of the initial application. For example, FEI provided estimated costs and scope for the removal of the NPS 20 IP gas line in the course of the initial proceeding,¹ which was the subject of a number of information requests.² The City should not be permitted to use the Reconsideration to backfill the record with evidence that it could have provided in the first instance had it chosen to do so.

Reconsideration Should be by Written Hearing Process

FEI agrees with the City's submission that there is no need to convene an oral evidentiary hearing. FEI believes that written argument is appropriate for the Reconsideration, but would be pleased to participate in an oral argument phase if the BCUC found it would be helpful.

Periods of Unavailability for an Oral Component, If Required

The FEI personnel involved with the project are generally available over the coming months, however August may prove more difficult for scheduling. Counsel are unavailable in the last two weeks of August.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP

Tariq Ahmed

TVA/vde

cc: Lawson Lundell LLP, Counsel for the City of Coquitlam (Attention: Ian Webb)
Registered Intervenors

¹ Initial proceeding, Exhibit B-12, FEI Phase 2 Evidence, pp. 29-35.

² E.g., initial proceeding, Exhibit B-14, BCUC-FEI Phase Two IR 2.10.1 and Exhibit B-16, City-FEI Phase Two IR 1.10 series, 1.11 series and 1.12 series.