July 15, 2019

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. 1598998

British Columbia Utilities Commission (BCUC or Commission)
Indigenous Utilities Regulation Inquiry
British Columbia Hydro and Power Authority (BC Hydro)
Written Evidence

BC Hydro writes to submit its written evidence in the above noted proceeding.

For further information, please contact the undersigned.

Yours sincerely,

Fred James
Chief Regulatory Officer

Enclosure
BCUC Indigenous Utilities Regulation Inquiry

Evidence of
British Columbia Hydro and Power Authority

July 15, 2019
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Appendices

Appendix A Public Utility Definition from Section 1 of the Utilities Commission Act
1 Introduction

BC Hydro is writing to the British Columbia Utilities Commission (Commission or BCUC) to provide its submissions into the Commission’s Inquiry into Indigenous Utilities Regulation (Inquiry).

We are a Crown corporation owned by the Province of British Columbia and the largest electricity provider in British Columbia serving over four million British Columbians. BC Hydro’s assets support the Province’s energy objectives under the Clean Energy Act (CEA), and we are regulated by the Commission under the Utilities Commission Act (UCA).

We express support for the establishment of the Inquiry, the scope of which is set out in Commission Order No. G-62-19. We thank the Commission for the opportunity to comment. We look forward to developing a greater understanding of participant views regarding the characteristics and regulation of indigenous utilities and participating further through our final submissions and response to the Commission’s draft Inquiry report to the Government.\(^1\) In our final submissions and our response to the Commission’s draft inquiry report to the Government, BC Hydro may also provide additional comments on letters of comment submitted to the Commission after the July 15 evidentiary deadline.\(^2\)

2 Overview

2.1 Inquiry Terms of Reference

BC Hydro submits its comments on the following terms as set out in Commission Order No. G-62-19, filed as Exhibit A-1 in this proceeding:

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\(^1\) Refer to Attachment A of Commission Order No. G-110-19, marked as Exhibit A-7 in this proceeding.

\(^2\) On July 2, 2017, the Commission issued a letter marked as Exhibit A-11 in this proceeding advising that the Commission will accept letters of comment for this proceeding up to September 10, 2019. In that letter, the Commission clarified that letters of comment differ from evidence in that they cannot be tested and clarification cannot be sought through the Information Request process.
(a) The BCUC must advise on the appropriate nature and scope, if any, of the regulation of indigenous utilities

(b) without limiting paragraph (a), the BCUC must provide response to the following questions:

(i) Should indigenous utilities be regulated under the UCA or under another mechanism, or be unregulated?

(ii) If it is appropriate to regulate indigenous utilities under the UCA, is there any matter under the Act in respect of which indigenous utilities should be regulated differently from other public utilities, and, if so, how should that matter be regulated?

BC Hydro’s evidentiary submission can be summarized as follows. If an indigenous utility meets the current definition of a Public Utility as set out in Section 1 of the UCA, it is currently subject to utility regulation under the UCA as administered by the Commission\(^3\). We believe that regulatory oversight is appropriate for Public Utilities, including indigenous utilities, where they are monopolies (sole service providers in an area), and/or where public interest concerns may be present. Regarding regulatory oversight for Public Utilities, we believe that the UCA, as administered by the Commission is effective and efficient at balancing the interests of customers, Public Utilities and other stakeholders and protecting the public interest.

In our view, public interest concerns include such things as: 1) the consideration of higher costs for the remaining customers of an existing Public Utility caused by the stranding of assets and/or the erosion of customer base where a new Public Utility is seeking to build infrastructure or otherwise provide services where another utility already operates, 2) maintaining reliability standards where a new Public Utility interconnects to the BC Hydro system, and 3) providing for rates, terms and conditions that reflect the nature of the service purchased by Public Utilities. The

\(^3\) Appendix A of this submission contains the definition of a Public Utility from Section 1 of the UCA.
public interest also includes the Province’s energy objectives under the *CEA*, including the objectives that BC Hydro’s ratepayers receive the benefits of the heritage assets and that BC Hydro’s rates remain amongst the most competitive in North America.\(^4\) At the same time, the *UCA* also contains language that allows for reduced regulation for certain Public Utilities should it be determined that public interest concerns are sufficiently addressed.

For these reasons which are discussed in greater detail below, we believe that there are a number of advantages in maintaining the *UCA* as the principal regulatory framework for all Public Utilities and in maintaining the Commission as the principal regulator overseeing all Public Utilities in the Province, regardless of whether they are owned and/or operated by an Indigenous Nation. However, regarding the regulatory process for smaller Public Utilities, the Commission should consider how they can reduce the overall burden of regulation, which is funded by ratepayers through utility rates. The use of standardized reporting templates and streamlined application processes are a couple of examples which might allow for the safeguarding of the public interest but reduce the overall cost of regulation.

BC Hydro provides no comments at this time on terms of reference item (b)(i) which asks the Commission: “What are the defining characteristics of indigenous utilities, having regard to: A) the nature of the ownership and operation of indigenous utilities, B) the types of services provided by indigenous utilities, C) the persons to whom services are provided by indigenous utilities, and D) the geographic areas served by indigenous utilities.” BC Hydro is also not commenting at this time on the terms of reference scope items (b)(iv) and b)(v), which seeks information on the regulation of indigenous utilities in some other manner than through the *UCA*. We anticipate that some Indigenous participants will present their views on these scope items and we look forward to reviewing the evidence put before the Commission. We may submit information requests and may address certain evidence in our final submission.

\(^4\) Refer to *CEA*, Section 2e and 2f.
3 BC Hydro’s Mandate and Obligations

BC Hydro provides regulated electricity service to its customers through the ownership and operation of electricity infrastructure assets across British Columbia. Largely constructed in the 1960’s, 1970’s and 1980’s, our assets consist of thirty hydroelectric and two natural gas fired generating stations, around 86,000 kilometres of transmission and distribution lines and about 300 substations, which we collectively refer to as the Integrated System. The Integrated System is operated efficiently on a large scale. It is safe, highly reliable and is cost-effective to operate. As a result of the quality and long-life of these assets and how BC Hydro operates as a utility, BC Hydro customers currently pay among the lowest electricity prices in North America. In addition to customers on the Integrated System, BC Hydro also provides safe, reliable electricity to a number of small communities located in parts of British Columbia not connected to BC Hydro’s integrated transmission grid. These customers are located in what we refer to as the non-integrated areas.

In the CEA, Government has identified BC Hydro’s generation and storage, transmission and distribution assets to be “heritage assets” and articulated the Province’s energy objectives to include ensuring that BC Hydro’s ratepayers (customers) receive the benefits of the heritage assets, and ensuring that BC Hydro’s rates remain among the most competitive of rates charged by public utilities in North America.

The benefits of low-cost, high reliability power delivered through the Integrated System are passed on to our customers through low electricity rates, which are applied to each class of customers on a “Postage Stamp” basis, which means that the same rates are available to each class of customers regardless of their location if they are connected to the Integrated System and meet the requirements of that rate.

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6 See Sections 1 (definition of “heritage assets”), 2(e) and (f) of the CEA.
Under postage stamp rates, all customers benefit from access to electricity service at the average cost. This policy streamlines regulatory requirements and avoids regional rate impacts, which would largely be borne by customers located in more isolated, lower population density locations where the cost of providing service is higher.  

4 What is a Public Utility and why is regulation necessary?

A provider of utility services in British Columbia is defined as a Public Utility if it meets the definition in Section 1 of the UCA. The definition of what is a Public Utility is quite broad and includes anyone who owns or operates equipment to: a) produce, generate, store, transmit or provide electricity, natural gas, steam or another agent to produce light, heat, cold or power for the public or a corporation for compensation, or b) convey or transmit information, messages or communications by guided or unguided electromagnetic waves, including systems of cable, microwave, optical fibre or radiocommunications if that service is offered to the public for compensation. Certain service providers are defined as being excluded from the definition of a Public Utility.

Public Utilities generally provide an essential service which, by its nature, is a monopoly or has monopolistic characteristics. A monopoly is defined as the exclusive possession or control of the supply of or trade in a commodity or service. It is the lack of competitive forces acting on a Public Utility which creates the potential for a public interest concern.

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7 As well, BC Hydro’s non-integrated areas customers benefit from a portion of their electricity use being charged at Integrated System rates.
8 A complete copy of the definition of a Public Utility from Section 1 of the UCA is provided in Attachment A. 
9 The definition of Public Utility in Section 1 contains five exclusions for: i) municipalities and regional districts offering services within their administrative boundaries, ii) sales to employees and tenants for their exclusive use, iii) petroleum/natural gas industry production, iv) geothermal production and v) agreements entered into by BC Hydro that are designated by Order from Government by way of the Lieutenant Governor in Council. 
In a Commission report issued in 2012 which explored whether certain new activities of FortisBC Energy Inc. should be regulated, the Commission set out a guideline that regulation is required when one of two conditions exist:

(a) “Natural monopoly characteristics are present and there is a need to regulate to protect the public interest; and/or

(b) Legislation (such as the Utilities Commission Act or the Clean Energy Act), requires an activity to be regulated.”

It is BC Hydro’s view that a Public Utility should be regulated if it is a monopoly and/or it is in the public interest to regulate.

5 There are a number of advantages with the Utilities Commission Act continuing to serve as the regulatory framework for all Public Utilities in B.C.

5.1 What is the Utilities Commission Act and what does it cover?

The UCA is a Provincial statute that provides a single, consistent regulatory framework for Public Utilities operating within B.C. The UCA is numbered from Parts 1 through 9 and contains over 100 sections dealing with various powers of the Commission and the topics that they regulate. In totality, the UCA ensures that Public Utilities are regulated effectively and in a fair and accountable manner. It contains the flexibility to reduce the regulation of certain Public Utilities on a case by case basis should the Government, or the Government and Commission (depending on the nature of the exemption), determine that public interest concerns are sufficiently addressed. In certain areas it also requires the Commission to consider “British Columbia’s Energy Objectives”, which includes an objective that promotes First Nation communities through the use and development of clean or renewable resources.

The following is a description of some of the key parts and sections of the *UCA*.

The Commission and its processes are set out in Parts 1, 6, 7, 8, 8.1 and 9. The Commission is an impartial and independent administrative tribunal with formalized hearing, order, and reconsideration processes. The Commission also has the power to enforce its orders and decisions through the imposition of penalties.

Public Utilities are largely regulated under Part 3. This section includes the obligation of a Public Utility to serve a customer, approval of improvements to service, reporting and capital investment requirements, the sale of assets and mergers, and rate setting. Part 3 also allows the Government to exempt a Public Utility from some or all of Part 3 or Section 71 of the *UCA*, which deals with energy supply contracts.

Part 4 and 5 deal with the regulation of energy pipelines, purchasing and processing, electricity transmission facilities, natural gas marketers and energy supply contracts. Part 9 deals with a number of general matters but also the adoption and administration of Mandatory Reliability Standards for the planning and operating of the North American bulk electric system.

In the *UCA*, Section 22 and 88 (3) deal with exemptions from Public Utility regulation. Section 22 deals with exemptions of Public Utilities from some or all of Part 3 and Section 71, concerning energy supply contracts. Section 88 (3) deals with exemptions of some or all sections of the *UCA*. Both types of exemptions require approval from Government. Section 88 (3) exemptions also require Commission approval.

As well, the *UCA* requires, in certain circumstances, the Commission to consider a number of government policy objectives, which are set out in Section 2 of the *CEA* and are referred to as “British Columbia’s Energy Objectives”. The Commission must consider these policy objectives when a public utility brings forward capital
investments or energy supply contracts for approval or acceptance.\textsuperscript{12} Objective (I) states “to foster the development of first nation and rural communities through the use and development of clean or renewable resources”.\textsuperscript{13}

5.2 There are a number of advantages to retaining the \textit{UCA} as the principal regulatory framework for the regulation of all Public Utilities in British Columbia.

BC Hydro is of the view that it is efficient and effective for the \textit{UCA} to be retained as the principal regulatory framework for all Public Utilities operating within British Columbia, including those indigenous utilities who meet the \textit{UCA} definition of a Public Utility. Having one set of rules and regulations for all Public Utilities should minimize the potential for disagreements between Public Utilities and/or between Regulators, thereby minimizing harm to customers in the form of higher regulatory costs to be passed on to customers.

As described in Section 5.1, the \textit{UCA} currently provides a comprehensive, single set of regulatory considerations and requirements for all Public Utilities in B.C. Having one set of rules reduces the regulatory and operational complexity for all Public Utilities, customers and other public stakeholders. For example, it precludes conflicting regulatory decisions arising from different regulatory bodies, it reduces the complexity of the relationships between Public Utilities as they are governed by the same regulatory framework. It also promotes the appropriate allocation of costs and the efficient development of utility infrastructure between Public Utilities, thereby reducing the risk that one or more of a Public Utility’s infrastructure assets becomes impaired or no longer used and useful (stranded asset risk). This is particularly relevant to BC Hydro. In addition to the over four million British Columbians we serve directly, we also maintain interconnections with, and infrastructure, to provide electricity and transmission service to energy sellers and other Public Utilities in B.C.

\textsuperscript{12} Refer to \textit{UCA} sections 44.1, 44.2, 46 and 71.
\textsuperscript{13} Refer to \textit{CEA}, Section 2 (I).
As a regulated Public Utility, BC Hydro has a general obligation to serve customers who wish to take service and who meet the conditions of BC Hydro electric tariffs.\textsuperscript{14}

Where a potential BC Hydro customer is itself a Public Utility, having that Public Utility regulated under a different regulatory framework (i.e., – regulated under a different set of rules than the \textit{UCA} and/or administered by a different regulator than the Commission) has the potential to create uncertainty and duplication, impact BC Hydro’s ongoing operations and increase costs for existing and future ratepayers. For example, if BC Hydro and a Public Utility customer of BC Hydro’s disagreed on the application of a BC Hydro rate or its terms of service, it is possible that two different regulators viewing this dispute under different regulatory frameworks could come to different conclusions and issue different decisions.

Another example is asset impairment or stranded asset risk. If a Public Utility customer of BC Hydro’s falls under the jurisdiction of a different regulator and/or a different regulatory framework, the possibility exists that it could receive regulatory approval to construct electrical utility equipment that could impair the value of existing BC Hydro assets or render those assets stranded (not used and useful).

Under both examples, both BC Hydro and the Public Utility customer are exposed to higher regulatory/legal risk, resulting in higher regulatory/legal costs and increased cost recovery risk.

At the same time as the \textit{UCA} offers consistency in the treatment of Public Utilities, it also provides the Commission with flexibility to more lightly regulate a Public Utility where that Public Utility can demonstrate to Government and the Commission how its particular circumstances adequately meet or protect the broad public interest.

Examples of the types of questions that BC Hydro believes the Commission may explore when considering a possible exemption from Public Utility regulation include:

\textsuperscript{14} The obligation to serve for a Public Utility is set out in Section 28 of the \textit{UCA}.
(a) Is the Public Utility operating in a competitive market? (i.e. are there alternative suppliers and products available to customers, or are there significant barriers to alternative suppliers);

(b) To what extent does the Public Utility operate for the benefit, including the financial benefit, of all of its customers; and

(c) What accountability does the Public Utility have to its customers? (i.e. is there an opportunity for all customers to raise and have concerns about the cost and provision of services addressed through a fair process under an arbiter that has oversight and/or governance responsibilities for all of its customers).

BC Hydro believes this flexibility provides Government and the Commission with the tools to grant lighter touch regulation after considering the characteristics of a Public Utility and to the extent that those characteristics either do not raise or adequately address public interest concerns.

We believe that the UCA is the appropriate regulatory framework for the regulation of all Public Utilities in BC, including indigenous utilities that meet the UCA definition of a Public Utility. It provides a consistent set of rules and regulations to protect all Public Utility customers including those of BC Hydro while also providing the flexibility to accommodate a wide range of Public Utility scenarios.

6 There are a number of advantages with the Commission continuing to serve as the administrator of the UCA and principal regulator of all Public Utilities in B.C.

BC Hydro is of the view that having a single regulator in the Commission to balance various public interests is more efficient as it reduces the potential for inconsistency in regulatory decisions and improves the understanding of regulatory decisions by all Public Utilities. Regulatory processes with consistent decision making criteria should minimize the potential for disagreements between Public Utilities and/or between
Regulators, thereby minimizing harm to customers in the form of higher regulatory
costs to be passed on to customers.

Established through the *UCA* nearly forty years ago, the Commission operates as an
independent, non-partisan administrative tribunal overseeing Public Utilities in B.C. Commissioners are appointed though a merit-based process to oversee the review of all applications and regulatory processes concerning Public Utilities brought forward to or by the Commission.\(^{15}\) Commissioners and Commission staff are also required by law to avoid being in a conflict of interest with respect to the Public Utilities that they oversee and cannot have any financial or beneficial interest in Public Utilities that they regulate.\(^{16}\)

The Commission maintains a collection of previous regulatory orders and decisions, which explain the considerations made by the Commission in coming to regulatory decisions. While the Commission is not strictly bound by these past orders and decisions, the information they provide on the interests of various parties, and how the Commission considered evidence in coming to a decision, provides valuable insight into understanding how the Commission might view a matter that requires regulatory review. The Commission is known to Public Utility industry participants, customers and other public stakeholders. It provides specialized experience in reviewing and adjudicating complex regulatory matters and has also established a number of clear rules and guidelines for various regulatory matters.\(^{17}\) For example, its Rules of Practice and Procedure help participants understand what certain terms mean and how to participate in the Commission regulatory process. Other examples cover specific policy guidelines and procedures.

Regarding the regulation of small Public Utilities, BC Hydro believes that the financial and human resource burden of regulation is likely substantially higher for

\(^{15}\) Refer to *UCA*, Part 1, Section 2 (1).
\(^{16}\) Refer to *UCA*, Part 1, Section 11.
\(^{17}\) [www.bcuc.com/resources/guidelines.html](http://www.bcuc.com/resources/guidelines.html).
small Public Utilities than for large Public Utilities. BC Hydro believes that the Commission should consider streamlined or expedited review processes which would allow the public interest to be safeguarded while also allowing for a reduction in the overall regulatory cost placed on the utility and ultimately borne by its ratepayers. As well, the Commission may consider the creation of standard reporting templates that would set out the format and nature of information required by the Commission for fundamental purposes such as determining that Public Utility’s overall cost of service (Revenue Requirement) and for the setting of rates.

BC Hydro expects that there will be a need to adjudicate circumstances where a new Public Utility wants to provide service where another Public Utility already provides service (BC Hydro for example). Under the current regulatory framework, the Commission would decide whether or not this is in the public interest. If different regulatory frameworks and regulators applied to each of the new and incumbent Public Utilities, that there would be no clear adjudication process and no single set of Public Utility regulation rules by which to determine what is in the public interest. This would create regulatory and business risks for both Public Utilities and higher costs for customers.

7 BC Hydro comments on the Independent Utility Regulation Report requisitioned and submitted by Commission Staff

On May 28, 2019, the Commission filed the Utility Regulation Report as Exhibit A-8 in the Inquiry. In its submission, the Commission stated that it requisitioned the independent report to inform the general discussion on regulation and when it is used, public utility characteristics and the rationale for their regulation, and how the need for regulation is assessed.
7.1 BC Hydro has adopted some of the utility industry changes noted in the Utility Regulation Report

On electrical utilities and their regulation, the report notes that historically, electricity has been provided as a bundled service where a single monopoly generates, transmits and distributes electricity and provides customer service within a specific area. The report also describes how incumbent utilities have historically used control of the electric transmission highways to prevent new competitors from moving their generation output to their customers.18

In the case of BC Hydro, our Open Access Transmission Tariff (OATT) provides power sellers and wholesale customers, such as electric utilities and power marketers, with access to BC Hydro’s transmission system to move power within British Columbia or to other transmission systems to access customers and markets for their business needs19. Access to BC Hydro’s transmission system through the OATT is provided on a non-discriminatory basis with OATT rates being determined on a cost of service basis and approved by the Commission.20

The concept of retail access allows for a customer to utilize the electrical system of the electrical utility to which it is connected, to service its own load directly through the purchase of market energy or energy purchased from another seller(s). Retail access is not available to BC Hydro’s load customers. Government has commented that “interest in retail access fluctuates with electricity market prices, with customers interested when open market prices are lower than local supply and not interested when market prices are higher than local supply. In a surplus situation, allowing retail access increases the amount of surplus energy that BC Hydro must export,

18 Exhibit A-8, pages 6 and 8.
19 BC Hydro’s system is part of the Western Interconnection; a wide area synchronous grid that includes the electricity grids in the provinces of Alberta and British Columbia, the Western United States and northern Baja Mexico. All of the electric grids in the Western Interconnection are electrically tied together during normal system conditions and operate at a synchronized frequency of 60 Hz.
20 The cost-of-service basis for the OATT was originally set out in Commission Order No. G-43-98, and based on the Federal Energy Regulatory Commission (FERC) Order 888-A pro forma OATT. BC Hydro maintains its OATT to be comparable to the FERC pro forma OATT as amended from time-to-time, however, most of the OATT rate design concepts remain consistent with Commission Order No. G-43-98.
possibly at a loss, increasing costs borne by ratepayers who do not or cannot opt for retail access… The prohibition of retail access can protect electricity consumers by providing price stability and reducing the duplication of costs that must be passed on to consumers (for example, duplicative systems of billing, customer service etc.). In Canada, it is generally true that regions with low and stable electricity prices like Quebec, Manitoba and British Columbia do not have full retail access… There is evidence from the U.S. that the average retail price of electricity tends to be more volatile in regions with full retail markets. The Government has also commented that retail access may expose BC Hydro ratepayers to the cost of stranded assets, the cost of which would be borne by a smaller rate base and has directed the Commission to not set rates that would result in direct or indirect provision of unbundled transmission service to retail customers in British Columbia unless BC Hydro brings forward an application to do so. BC Hydro has no plans to advance retail access at this time.

7.2 Both regulated and unregulated publicly-owned utilities exist in British Columbia

The Utility Regulation Report notes that there are differing views on whether publicly-owned utilities should be regulated. It goes on to say that publicly-owned utilities differ from shareholder-owned utilities in two important ways. “First, they are ultimately accountable to taxpayers or customers - so their leader can be removed by political actors. Second, they have no private shareholders, so there is no profit interest to cause conflict with the customers’ interests.”

In British Columbia, public utility services provided by municipalities and regional districts are an example of publicly-owned utilities which are not regulated by the

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23 Refer to OIC 51 dated February 14, 2019, Appendix B.
24 Exhibit A-8, page 8.
BC Hydro notes that municipalities and regional districts, which are incorporated and governed by the Local Government Act, are accountable to their customers, who are also their citizens. If customers have concerns regarding their service, they have the opportunity and right to demand improvements to their service, including by voting out of power elected officials they deem ultimately responsible for their service concern not being addressed. As well, because such utilities are not operated for profit, any financial gains flow back to all of the customers of the municipality or regional district. As all of the customers are either residents or organizations that reside within the municipal boundary, customers ultimately receive the financial benefits of the utility. Together, these factors provide the municipality or regional district with accountability to and alignment with customers. In doing so, they offer public interest protection against monopolistic characteristics.

BC Hydro is an example of a publicly-owned utility that is subject to Public Utility regulation. The Commission’s role in regulating BC Hydro is reflective of BC Hydro’s unique position as a large vertically integrated utility serving most of the British Columbia and ensures the public interest is adequately considered.

8 Conclusion

BC Hydro, as the largest Public Utility in British Columbia, provides low cost, high reliability electricity to British Columbians in fulfillment of British Columbia’s Energy Objectives under the CEA and in light of its Public Utility obligations. The regulatory framework for Public Utilities is relevant to the ongoing efficient operation and the management of cost and risk of BC Hydro.

If an indigenous utility is a Public Utility, then it is currently subject to utility regulation. BC Hydro believes that the current utility regulatory framework is sufficient and appropriate. The existing UCA provides an effective, efficient and fair regulatory framework for the regulation of all Public Utilities in British Columbia.
Maintaining the *UCA* as the common regulatory framework will reduce regulatory and operational complexity between all Public Utilities, and reduces the potential for higher risks and costs. The *UCA* also provides the Government and Commission with sufficient flexibility to accommodate specific circumstances of the Public Utility by adjusting the regulation requirements if the accommodation does not negatively impact the public interest.

BC Hydro also believes that where an indigenous utility falls under the current definition of Public Utilities, it is appropriate for the Commission to continue being the default regulator, subject to exemptions where the particular circumstances justify them. The Commission is known to Public Utility industry participants, customers and other public stakeholders. The Commission is an administrative tribunal with specialized experience and well considered processes suited for the continued regulation of all Public Utilities in British Columbia.

BC Hydro thanks the Commission for the opportunity to participate in this inquiry process.
BCUC Indigenous Utilities Regulation Inquiry

Evidence of
British Columbia Hydro and Power Authority

Appendix A

Public Utility Definition from Section 1 of the
Utilities Commission Act
Public Utility definition from Section 1 of the
Utilities Commission Act

“public utility” means a person, or the person’s lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for

(a) the production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation, or

(b) the conveyance or transmission of information, messages or communication by guided or unguided electromagnetic waves, including systems of cable, microwave, optical fibre or radiocommunications if that service is offered to the public for compensation,

but does not include

(c) a municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries,

(d) a person not otherwise a public utility who provides the service or commodity only to the person or the person’s employees or tenants, if the service or commodity is not resold to or used by others,

(e) a person not otherwise a public utility who is engaged in the petroleum industry or in the wellhead production of oil, natural gas or other natural petroleum substances,

(f) a person not otherwise a public utility who is engaged in the production of a geothermal resource, as defined in the Geothermal Resources Act, or

(g) a person, other than the authority, who enters into or is created by, under or in furtherance of an agreement designated under section 12 (9) of the Hydro and Power Authority Act, in respect of anything done, owned or operated under or in relation to that agreement;"