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Utilities Commission

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August 2, 2019

Sent via email/eFile

BCUC INDIGENOUS UTILITIES REGULATION INQUIRY
EXHIBIT A-29

Mr. Daria Babaie
Managing Director
Ryezán Inc.
Toronto, ON
daria.babaie@ryezan.com

Re: British Columbia Utilities Commission – Indigenous Utilities Regulation Inquiry – Project No. 1598998 - BCUC Information Request No. 1

Dear Mr. Babaie:

Further to British Columbia Utilities Commission Order G-110-19, enclosed please find BCUC Information Request No. 1 to Daria Babaie. In accordance with the Regulatory Timetable, please file your responses no later than Tuesday, September 10, 2019.

Sincerely,

Original Signed By:

Patrick Wruck
Commission Secretary

/nd



British Columbia Utilities Commission
Indigenous Utilities Regulation Inquiry

INFORMATION REQUEST NO. 1 TO DARIA BABAIE, RYEZAN INC.

**1.0 Reference: Exhibit A-13, Executive Summary, p. i; Section 3, p. 3
Regulation in other Canadian provinces and territories**

On page i of Exhibit A-13, Mr. Daria Babaie of Ryezán Inc. (Babaie) states:

This report covers a jurisdictional review of the regulation of Indigenous utilities in twelve provinces and territories (BC was not part of the scope) across Canada. Specifically, several Indigenous utilities are found in Alberta, Northwest Territories, Nunavut, and Ontario. No other Indigenous utility exists in any other provinces or territories.

On page 3, Babaie states:

The Consultant contacted provincial and territorial boards and commissions responsible for the regulation of the electric and natural gas utilities in their respective province or territory.

- 1.1 For those provinces and territories where no Indigenous utilities currently exist, please confirm (or explain otherwise) that no statutory exceptions or exemptions from regulation currently exist that may apply to any future Indigenous utility.

**2.0 Reference: Exhibit A-13, Section 6, p. 24
Newfoundland and Labrador**

In Exhibit A-13, Babaie states:

This is informative to the jurisdictional review because if it is found that an electrical service provided by an Indigenous utility satisfies the definition of a public utility, a matter which a provincial regulator has authority to determine, and assuming there is no constitutional impediment to the application of the legislation applicable to utility regulation in the respective province, in the case of British Columbia the *Public Utilities Act*, the Board would have jurisdiction to apply the relevant provisions of the *Act*.¹

- 2.1 Please confirm if the underlined section should read: “in the case of British Columbia the *Utilities Commission Act*” or “in the case of Newfoundland and Labrador the *Public Utilities Act*.”

¹ Emphasis added.

**3.0 Reference: Exhibit A-13, Section 8, p. 57
Electrical Safety Authority**

On page 57 of Exhibit A-13, Babaie states:

However, the ESA [Electrical Safety Authority] does not have any electrical safety authority and jurisdiction for the Ontario's safety regulations and codes on First Nations land. The ESA safety services to the First Nation communities are provided upon request and on a voluntary basis.

- 3.1 Please clarify why the ESA does not have any authority and jurisdiction for the Ontario's safety regulations and codes on First Nations land.

**4.0 Reference: Exhibit A-13, Section 8, p. 60
Six Nations Natural Gas**

On page 60 of Exhibit A-13, Babaie states:

Six Nations Natural Gas, Utilities Kingston and Kitchener Utilities are the only three natural gas utilities in Ontario that are exempted from the *Ontario Energy Board Act* with respect to rate regulation under section 36(1) by being a municipality or municipal public utility commission transmitting or distributing gas under the *Public Utilities Act*.

- 4.1 Please clarify and explain whether Six Nations Natural Gas is considered to be a municipality or municipal public utility commission for the purposes of an exemption from the *Ontario Energy Board Act*.