

BRITISH COLUMBIA UTILITIES COMMISSION
IN THE MATTER OF THE UTILITIES COMMISSION ACT
R.S.B.C. 1996, CHAPTER 473

And

British Columbia Utilities Commission
Indigenous Utilities Regulation Inquiry

VANCOUVER, B.C.
September 18, 2019

Community Input Session

BEFORE:

D.M. Morton,	Chairman/Panel Chair
C.M. Brewer,	Commissioner
A. Fung Q.C.,	Commissioner
B. Lockhart,	Commissioner

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VANCOUVER, B.C.

September 18, 2019

(PROCEEDINGS COMMENCED AT 5:30 P.M.)

(INTRODUCTIONS)

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5 MR. GEORGE: Thank you very much, Phil. And as I noted,
6 a number of you have registered for the session. I'm
7 grateful that you're here. There has been no formal
8 registration to speak. So I would like to open this
9 opportunity up to those of you, whether there are any
10 challenges or opportunities with what you just had
11 presented to you, any ideas that you have based upon
12 the information that was shared, and statements that
13 you might want to make for the record, any questions
14 that you might have for the panel. Now would be your
15 opportunity.

16 Chief. If you could make your way to the
17 table here, Chief, and say your name, first and last
18 name and spell your last name for the record, and who
19 you are representing too.

20 **PRESENTATION BY CHIEF NA'MOKS:**

21 CHIEF NA'MOKS: (Native language spoken) I am Chief
22 Na'Moks. I currently sit as the highest ranking chief
23 of the Tsayu, one of the five clans of the
24 Wet'suwet'en Nation and my English name is John
25 Ridsdale. So that's R-I-D-S-D-A-L-E.

26 I actually just have just a number of

1 questions and actual comments. Being further involved
2 with BCUC In the past with all the projects that have
3 happened throughout the Indigenous people's lands, in
4 particular the Wet'suwet'en from where I am from, for
5 an incentive for us to move into -- like more
6 (inaudible), so in that, with all the power lines that
7 are going through like our territory, was devastating
8 when they put a dam through for Rio Tinto Alcan. But
9 for me, it's always been an issue of how do we get
10 further involved and what is the incentive. Like if
11 you've got -- again, I can only speak for the
12 Wet'suwet'en, what has happened to us.

13 So if we are busy paying Hydro bills and we
14 want to get into the green energy sector -- like in
15 the past you had the run-of-the-river projects and all
16 that and to me that was a shell game. They were
17 simply keeping us occupied on these very small
18 projects, which actually didn't go anywhere.
19 Meanwhile they were building larger projects.

20 But to get the incentive -- like for us,
21 it's 22,000 square kilometres we have. But for us to
22 be further involved, would the incentive be for us to
23 not having to pay the Hydro because you have to
24 realize, whether it be a public industry or
25 government, their needs and wants cannot outweigh
26 ours. They cannot have adverse effects on the First

1 Nation people. That's law.

2 So the incentive I'm asking, and would it
3 be any part of this inquiry, is to have what is put
4 forward to BC Hydro be put into the green projects.
5 That's actually where the future should be, right?
6 That's where we all want to be involved in. But what
7 would the incentive be? And that's what my chiefs
8 have asked me to come here and ask. What is the
9 further incentive for us?

10 Because all the lines and everything that
11 go through our territory feeds industry. But then
12 what is for the people? What is going to be for the
13 future? Our duty as chiefs is to the land, air, water
14 and everybody that lives on it, not just industry.

15 So that was the question. It may be out of
16 your purview, but I thought it would be worth
17 mentioning to you.

18 THE CHAIRPERSON: It's a very good question and it's
19 something that Hydro, BC Hydro, as part of their long-
20 term planning, they look at what resources are
21 available and look at the load that they need to serve
22 and they are predicting an increased amount of load to
23 serve. And as you mentioned, they have some big
24 projects that will provide some of that load.

25 But they have a planning process called an
26 integrated resource planning process, and it's through

1 that that Hydro develops its plans on where it's going
2 to obtain the energy that it needs. So that would be
3 one area, and I realize it's not an answer that
4 satisfies you immediately, but it is one area in which
5 you could participate. And I'm sure you've already
6 made it known to BC Hydro that you could make energy
7 available in that way.

8 That would be probably the most direct way
9 to do it. Otherwise, other areas that you could use
10 your energies is for your own needs. I don't know the
11 geography of your area, what your load is and what
12 your demand is but that's another -- that's another
13 potential that you could look at.

14 CHIEF NA'MOKS: Thank you. I just wanted to make
15 commentary on that and it's somewhere to look forward
16 in the future.

17 THE CHAIRPERSON: Thank you, I appreciate that.

18 MR. GEORGE: Thank you, Chief.

19 Chief Harvey, please make your way to the
20 front. First and last name, and spell your last name
21 for the record and who you are representing.

22 **PRESENTATION BY CHIEF McLEOD:**

23 CHIEF McLEOD: (Native language spoken) My name is
24 Harvey McLeod, M-C-L-E-O-D. I'm (Native language
25 spoken) Chief for Upper Nicola, Okanagan Nation. I
26 come here tonight not really knowing what to expect,

1 other than the fact that (Native language spoken), the
2 Creator guided me here.

3 Over the years of growing up,
4 understanding, finding a place to be at peace with
5 myself, protect my family, guide my family to have a
6 better life than I had, probably the same dream that
7 my mom and dad had for me. I did a lot of work on
8 that. And over the years being involved on council,
9 going from a day where we didn't really know what we
10 wanted or how we're going to get it, just that there
11 are a lot of things that we didn't have. And we took
12 care of the basics: One, go to school. Two, take
13 care of yourself. Three, make sure that your mom and
14 dad were taken care of. And it carried on that way.

15 And then we started talking title and we
16 started talking rights. We started talking
17 responsibility. We started talking about the land and
18 the responsibility to it. What is it? The Reserve
19 just isn't a piece of ground. It's a small version of
20 my home, but I didn't know that back then. But over
21 the last decade or so of me really understanding who I
22 am and where I'm from and my responsibility to myself
23 and community, knew that there was more, that there
24 was new hope, that there was new vision for ourselves.
25 But I had to have a new vision for myself that I could
26 have a better life, that I didn't have to live with

1 poverty, that I didn't have to work hard for the
2 little that I have. And transferring that to my
3 children, and now my grandchildren.

4 So I come here and look at the questions,
5 not really knowing who you are, never write your
6 report, but the obstacles and the walls that we run
7 into when we're trying to do something.

8 First of all, there's the *Indian Act*. And
9 then there was understanding the laws of the people.
10 That's what we are still trying to interpret. What
11 does that mean, "laws"? We're still trying to
12 interpret that, and a lot of that comes through the
13 language, through the culture. And I'm an infant, I'm
14 a baby when it comes to that. But I know that there's
15 more to life and being responsible for the land that
16 was given to us to take care of.

17 So I'm trying to understand all of that.
18 And then we started dreaming. I was sharing with
19 Carolann some of the -- and we know some of the people
20 in common, about where it starts. It started from a
21 small group of people that wanted to do more, and get
22 engaged with people outside of the community, and to
23 see what's happening out there. And they were the
24 brave soldiers that went out there and found out and
25 came home. And shared with us what was out there.

26 And some of us were able to understand what

1 they were talking about. We knew that if we were
2 going to advance as a people, we are going to advance
3 as a community, that we had to make big change. And
4 where does it start? One, to have faith; two, to
5 trust. To trust another individual that you are
6 talking to, to trust another group that you are
7 talking to, to another company, to another government,
8 that what we are going to do is going to be good for
9 us.

10 But then I found that it wasn't. It was
11 always one-sided. You're looking after your side and
12 I'm going to be looking after my side, and if I wanted
13 to participate, I go to your side and I play your game
14 by your rules. And we did that for a while, but we
15 were still poverty stricken. We were still under the
16 thumb of somebody else. And it wasn't until a couple
17 of years ago when we started talking about UNDRIP, and
18 I've read that document a few times.

19 But what I got out of that document --
20 yeah, there's a lot of things in that document, but
21 what it told me is that for the first time in my
22 lifetime this country, and now this province, is going
23 to acknowledge me as Harvey McLeod. I'm not
24 6970022101. I'm Harvey McLeod, I'm a human being.
25 And that was huge for me. Huge.

26 Now I'm going to decipher into the other

1 aspects of UNDRIP. The TRC. Reconciliation. All
2 words and descriptions of how we are going to relate
3 with one another. But sometimes I wonder, do we
4 really understand, or is this what I call "a game"
5 that we are playing.

6 I looked at reconciliation. And in order
7 for me to understand the language that's being used in
8 the documents and the mandate letters that governments
9 come out and share with us, this is what we're going
10 to do for, TRC UNDRIP reconciliation. You have to
11 understand what they meant. But first of all you have
12 to look here.

13 I had to reconcile a whole bunch of stuff
14 with myself. Reconcile with my mom and my deceased
15 dad, my sisters and my brother, and then go back to
16 the ex-wife and the wife and my children and reconcile
17 with them. And then -- but this is an evolution
18 that's happening in our communities right now. We've
19 got to understand that.

20 I looked at your experience, your
21 education. Very impressive. And I wouldn't be able
22 to talk the language that you talk. But that's okay.
23 Now, I don't want to -- I want to talk for myself. I
24 don't want to have my lawyer come with me here to talk
25 to other lawyers. It doesn't work that way. Now you
26 have to hear from me.

1 So I started reconciling and it was a
2 painful process. Painful. But now my parents and my
3 siblings and my children, my wife, we are solid and we
4 are moving on and it shows in my grandchildren.

5 And the next thing that came up in the
6 experience was social reconciliation. And this is
7 what the government is talking about now. We're going
8 to apologize for everything that happened to you.
9 Let's apologize. I'm sorry that you had to live the
10 way you lived, or that the legislation and policies
11 that we developed to look after you impacted you in
12 such a negative way. We apologize for that. And it
13 shows in a lot of different programs that governments
14 allowed us to participate in, especially with the
15 social programming and the health programs.

16 And now with the discussions that I'm
17 having with government is legal reconciliation and
18 economic reconciliation. Let's find ways and how we
19 can move into new areas but not be afraid of it.
20 Don't be afraid and bring your lawyers with you to
21 talk with me. Because I'm not going to bring my
22 lawyers to talk with you. But let's have a look and
23 see what that means.

24 So, we want hope for our people. We look
25 at our world right now, we know we're in a huge, huge
26 period of time where Mother Earth is in jeopardy.

1 It's hurting, it's crying. And you look at how we
2 live. We look at our homes, we look at our res. We
3 look at the cars that we have. We look at the health
4 of our people, the social wellbeing of our people and
5 say, we could have more.

6 But how are we going to do that? How are
7 we going to look after that water? How are we going
8 to protect ourselves from the sun? And how are we
9 going to use that? How are we going to look after the
10 trees? How are we going to look after the things that
11 are beneath our feet? We're looking at that and
12 trying to understand that.

13 And when we find something, like we did, we
14 say we've got to change the way we think. And we can
15 talk about global warming. We can put policies in
16 place that deal with it. But nothing really changes,
17 we still continue. And it's a long- term plan. And I
18 don't know if we have that much time to save the
19 little that we have left.

20 So we said, let's do something about that.
21 So we started looking at, where are we getting the
22 energy to lights up -- turn on the lights in the
23 house? Where does that come from? We know BC Hydro
24 is there. I was fortunate enough to remember the
25 first time we had electricity in the house. When you
26 go flick a switch and had light in the house. But I

1 also remember the days where the coal oil lamps were
2 around. I never really thought about it, but it was
3 there. Where did it come from?

4 But as we explored more and wanted more
5 independence from government we started inquiring,
6 where does that power come from? We've got some great
7 big dams down in Revelstoke, the Columbia. And thank
8 God they have them there or else this whole country
9 here would be without power. And there was a project
10 that came through Upper Nicola called the
11 Interior/Lower Mainland. And not really thinking too
12 much about it, a whole bunch of lighters and towers
13 came into the valley. Wondering, where did that come
14 from? And they wanted to talk to us. Because that
15 substation at Nicola, it was right in our territory.
16 It's not on the res but it's between two reserves,
17 Quilchena and Douglas Lake.

18 So we talked and we negotiated. Damn near
19 took each other to court before we'd sit down and
20 listen and understand each other, so that we both can
21 move forward in a good way. We were so close to court
22 action. But we knew that if we went to court it's
23 going to cost us a whole bunch of money. And at the
24 end of the day, yeah, we'll understand one another.

25 So we finally had -- I'll always remember
26 Dan Doyle, one of the negotiators on the other side.

1 We eventually became friends. But at the time we
2 weren't. But at the end of the day we did come up
3 with an agreement. Yeah, there was a bunch of cash
4 put on the table. But we knew that cash would come
5 and go. We all need the resource, we all need the
6 money for a lot of things that are happening in the
7 community. And it's not all gone. It's working for
8 us.

9 But when we were discussing and negotiating
10 with the province we said we wanted a legacy. What is
11 that legacy? And at the time there was a 15 megawatt.
12 That was the maximum amount that government can allow
13 an individual or a corporation or somebody to come in
14 and develop and produce energy that could be sold back
15 and put back into the grid. So, we took it. Took us
16 about six years to find out what we wanted to do.

17 Run-of-the-river? Too much; the impacts
18 would be too much. We looked at geothermal. Again,
19 not enough confidence in it. We looked at wind.
20 Yeah, there's opportunity in wind. But at the same
21 time wind leaves a huge footprint. You need a lot of
22 land to operate the towers.

23 So we looked at solar. And we spent and
24 invested a lot of resources into solar. And what was
25 nice about it, what was so fantastic about it was a 15
26 megawatt. Great Uncle Shana, Upper Nicola Indian

1 Reserve Number One. A lot of process, a lot of
2 dealing and negotiating and filing papers with the
3 government of Canada, designate the land so that we
4 can use it for a solar farm. Took us three years to
5 do that. And then we started dealing with BC Hydro.
6 And now they're mentioning B.C. Utilities Commission.

7 So, when we want to advance there's always
8 something in front of us that says, "No, you can't.
9 We're going to slow you down. We're all going to wear
10 you out." Wear that dream out.

11 Our community was so excited about us
12 getting involved in solar. We're talking about our
13 environment, we're talking about global warming. And
14 I said, this is it. We'll have a small little piece
15 and addressing and showing the world that we can do
16 something different. Let's do it. So, we started.

17 And right today we're still in negotiations
18 with BC Hydro, who are mentioning we probably have to
19 come to you to get final approval to move ahead. And
20 I hear Minister Mungall's going to be at the assembly
21 tomorrow. I'm going to have a little chat with her,
22 remind her that we have to have a new understanding
23 about how we work together.

24 There's nothing wrong with regulating, but
25 it's how it's done. How you impacting us. Yes,
26 there's a lot of things that can happen. There's a

1 lot of companies and organization that want to do
2 business with Upper Nicola. But don't think that
3 we're stupid enough to go and do it. We found a
4 partner. And how we found a partner is that there was
5 an energy conference here in Vancouver. We rented a
6 boardroom, went through the conference giving out our
7 cards. We've got this project we want to talk about,
8 come and talk to us. Come and listen to what we have
9 to say and share with you. Out of that conference,
10 that one day, we had 25 proposals come in to us. And
11 we reviewed and reviewed and reviewed and reviewed.
12 We got it down to three and we got it down to one. So
13 we know who we're dealing with. But yet, I still am
14 given the option that you don't know what you're
15 doing.

16 Yeah, I may not know a lot of things, but I
17 think I know when I'm doing on this one here. And our
18 community knows what they're doing. And we just want
19 support to do that, not another roadblock; another
20 time delay to lay a project that makes so much sense.
21 That's going to give community so much optimism about
22 the future.

23 Like, what's really neat about it is that
24 our people are going to be driving back and forth
25 looking at that solar farm each and every day. And
26 they're going to say, "That's mine. I own that." And

1 even think just how that's going to uplift the
2 community. Never mind individuals, but the community.

3 So we dream. And then people like myself
4 go and do the legwork and the talking to convince
5 people that we know what we're doing and to help and
6 support us, versus being a roadblock into the dreams
7 that we have as people. I don't know all of the
8 answers, but I think that if we sat down and talked we
9 would find a way. And probably the process that we're
10 going through right now, how we can do that.

11 But part of the problem is, don't come in
12 and tell me or my people, "This is how we're going to
13 do it." Maybe we're a little late in the game coming
14 in. Maybe I should have paid attention a little
15 sooner on what was being talked about and planned and
16 the recommendations that you're going to give to
17 government on how we can improve this situation.
18 Maybe I should have paid attention back then, but I
19 didn't, I was too busy nurturing a dream that we had
20 for our people.

21 So, is it too late? No, I don't think it's
22 too late. And I think there are a few individuals or
23 a few groups that can come in and really work with
24 you. But I don't see this as the process on how we do
25 that. I don't sit in front of you. This reminds me
26 of what I had to do with the National Energy Board,

1 when we were protecting our rights for my -- there was
2 a project going through our territory called the
3 pipeline. This is what this feels like. This feels
4 like a court. And I don't want it to be a court. I
5 want it to be a circle that we can sit around and have
6 some real serious talk and be open about what we want
7 to talk about. And given the time to talk about what
8 we need to talk about.

9 So it's a lot of rambling. But what I'm
10 telling you is what I wear right here. That's my
11 heart. So, I wish you well. I know that this is not
12 the last time that we're going to see one another.
13 And I hope that next time I come for you, or I sit in
14 a circle with you, I'll be a little more prepared.
15 Like briefing notes and things that I can share with
16 you, that this is what we're thinking and this is how
17 we'd like to see us move forward. But right now I
18 don't know. And I just thank all of you for
19 listening. Thank you for the invite. Thank you for
20 coming over this afternoon, because I wasn't going to
21 come here.

22 THE CHAIRPERSON: Thank you for coming, I appreciate
23 it.

24 CHIEF McLEOD: Thank you. (Native language spoken)

25 THE CHAIRPERSON: Thank you. And there is still time
26 to participate. There is our -- well, you're

1 participating now. And there's our draft report and
2 we would welcome you to come to the sessions and
3 review the draft report together.

4 CHIEF McLEOD: So, I'll have to get -- probably I'll
5 have to get my lawyers and stuff, consultants, to come
6 and interpret what the report looks like. And we
7 probably have to do that. Thank you.

8 THE CHAIRPERSON: Yeah, you can -- yeah, you are very
9 welcome to. We look forward to hearing from you.

10 CHIEF McLEOD: Thank you.

11 THE CHAIRPERSON: Thank you, sir.

12 MR. GEORGE: Thank you, Chief.

13 Just before going to call the next Chief up
14 to make an address. I just want to invite you into
15 some of the comments, some of the high level themes
16 that we have heard thus far. Kind of building a
17 little bit off of what Bill shared with you in his
18 presentation. We heard about wind, solar, tidal,
19 geothermal, run of river. We also heard about the
20 concept of energy sovereignty for our people.
21 Economic participation and ways that align with
22 Indigenous values. We heard a lot about poverty and
23 our people living in poverty. And we heard a lot
24 about hydro bills that were prohibitive, right? Were
25 very high and put undue pressure on families.

26 We heard a lot about climate change and

1 global warming. Title rights laws and jurisdiction.
2 Participation in the energy sector being a key
3 component of nation building and rebuilding. The
4 relationship of responsibilities to the lands and air
5 and the water. Chief Na'Moks mentioned it as well
6 earlier this evening.

7 Energy self-sufficiency, some communities
8 trying to be totally off the grid and take care of
9 themselves. We heard about the need for more energy
10 and energy literacy, because many of us don't really
11 think about when you flick that switch where it comes
12 from. Partnerships and collaboration. Understanding
13 that this work can't be done on our own. That
14 necessarily we have to form partners with others. And
15 the use of technology and innovation as it begins to
16 emerge throughout the world.

17 So, those were some of the key high-level
18 comments that we heard. That's not exhaustive either,
19 but again, just to introduce some of the thinking.

20 Chief, come to the front here and introduce
21 yourself. First and last name, spell your last name
22 and who are you here representing, please.

23 **PRESENTATION BY CHIEF CHASITY:**

24 CHIEF CHASITY: (Native language spoken) Good evening.
25 My Gitxsan name is (Native language spoken). My
26 English name is Chasity. (Native language spoken)

1 Ladies and Gentleman, my heart is happy to see you and
2 to be here.

3 THE CHAIRPERSON: Thank you.

4 CHIEF CHASITY: I just would like to take this time to
5 also acknowledge the Coast Salish territory that we're
6 on, and I wanted to thank you for the opportunity that
7 you're giving us here. I didn't know -- I wasn't
8 informed about the meetings that you had, that you had
9 in the pamphlet here.

10 I see you had in Prince Rupert of June 10th.
11 That was three hours away from where I live. And then
12 you jumped right from Prince Rupert all the way to
13 Prince George, which you had on June 27th, and I wanted
14 to ask if there is still time to maybe come up to
15 Gitwangak, which is kind of in between both of those
16 places. I think not a lot of communities have
17 probably participated. I don't know what the
18 participation numbers were for that. Do you know
19 offhand?

20 THE CHAIRPERSON: Not offhand.

21 MR. GEORGE: Not offhand. Certainly would have been
22 better to have more, Chief.

23 CHIEF CHASITY: Yeah. So if there is room or time I
24 would like to request that, if that's a fair request.

25 THE CHAIRPERSON: We'll certain take a look at it. I
26 can't promise because we did not set the timeframe for

1 the Inquiry. It was part of the directive that we got
2 and we don't have any wiggle room at all. But if it's
3 possible to do something we could, yes.

4 That's true. The workshops that we talked
5 about to review the draft report, there will be one in
6 Prince George in November. I don't think that's --
7 I'm not sure what that pamphlet is, I don't know if
8 it's in there but --

9 CHIEF CHASITY: This one says, "Save the Date. Community
10 Input Sessions." It's the bottom of the timeline that
11 you guys have.

12 THE CHAIRPERSON: Yeah.

13 CHIEF CHASITY: Yeah, and Prince George is five hours
14 from where I live.

15 THE CHAIRPERSON: Okay, okay. That's not that
16 convenient.

17 CHIEF CHASITY: So that's why I was requesting maybe
18 having one in Gitwangak or in Hazelton.

19 THE CHAIRPERSON: Hazelton, okay, thank you.

20 CHIEF CHASITY: If you can squeeze it in, that's just
21 what I wanted to request.

22 THE CHAIRPERSON: Okay.

23 CHIEF CHASITY: And then I think this is absolutely
24 fantastic to be a part of it. I've been in my role
25 now for two years as the Chief, and before that I was
26 a councilor and before that I worked for as an intel

1 coordinator when they were putting the transmission
2 line, the Northwest Transmission Line, that provides
3 energy to the Northern communities, specifically for
4 all the mines and this would have been perfect to have
5 back in 2010 when a lot of the negotiations first
6 started.

7 On that end, I don't know if you guys would
8 have considered going back to having Indigenous
9 utilities out of the line.

10 THE CHAIRPERSON: Sorry, out of the line?

11 CHIEF CHASITY: The Northwest Transmission Line that goes
12 right through our territory, so.

13 THE CHAIRPERSON: I understand, yeah.

14 CHIEF CHASITY: As the elected Chief, I'm the chief of
15 the community but around the community there's
16 hereditary territory.

17 THE CHAIRPERSON: I understand.

18 CHIEF CHASITY: And when we were being consulted by the
19 -- I think it was BC --

20 THE CHAIRPERSON: BC Hydro?

21 CHIEF CHASITY: No.

22 COMMISSIONER FUNG: BCTC?

23 THE CHAIRPERSON: Transmission Corp?

24 CHIEF CHASITY: Yes, yeah. So they're separate from --
25 they do separate work from you?

26 THE CHAIRPERSON: They were at the time. It's been

1 recombined into BC -- it's all part of BC Hydro now.

2 CHIEF CHASITY: Okay, so they're separate from the work
3 that you do?

4 THE CHAIRPERSON: Correct.

5 CHIEF CHASITY: Okay.

6 THE CHAIRPERSON: They're a company that we regulate and
7 so we would -- but we're not part of that
8 organization, no.

9 CHIEF CHASITY: Okay, I bring that up because when you're
10 talking about Indigenous utilities and thinking of how
11 now's a good time to be seen as a First Nations person
12 and in every aspect of companies and, you know, now
13 energy. I think it's great that, you know, a lot of
14 my previous chiefs have, you know, pushed the way and
15 led the way for -- to where I am at right now.

16 Yeah, I guess maybe I'm talking to the
17 wrong panel then about what I'm talking about then?
18 Do you know what I mean? Because they built the
19 transmission line right through our territory.

20 THE CHAIRPERSON: Right.

21 CHIEF CHASITY: And when we were doing the negotiations
22 with them we wanted to have a partner or like -- like
23 everything you're talking about on here is exactly
24 what we would have wanted going through our
25 traditional territory.

26 THE CHAIRPERSON: Right.

1 CHIEF CHASITY: But at that time it was always, "No."
2 We'll provide you with training, we'll give you jobs,
3 you know, a little bit of compensation and that was
4 it.

5 THE CHAIRPERSON: Yeah, in that regard we are the wrong
6 person in many ways, but just to explain how the
7 process typically works is that BC Hydro, when they
8 want to do a project of that nature -- or any utility
9 that wants to do a project of that nature, they -- and
10 if that affects First Nation land or affects First
11 Nations, then they have an obligation to consult with
12 you and then they also require -- generally require us
13 to approve their application to build something.

14 And part of our review of that application
15 is to look at the consultation process that took place
16 and whether it was adequate or not, and that if it
17 wasn't adequate then that would be a reason for us not
18 to approve something.

19 I don't know the details of what you
20 describe, so I don't know what application came to us
21 as a result of that and I don't know what the -- I'm
22 sorry, I don't know the details of the consultation
23 process. But that would be the normal way that
24 something like that would unfold.

25 So the issue of whether there was a
26 consultation process or not is somewhat different from

1 the issue of whether you got adequate compensation or
2 not. Our role would be to determine whether a
3 consultation took place, not necessarily the outcome
4 of the consultation.

5 CHIEF CHASITY: Okay.

6 THE CHAIRPERSON: I don't know if that helps or not but
7 that's how it would normally work.

8 CHASITY: I feel like it doesn't, but I would like to
9 really have a side conversation with you if that would
10 be --

11 THE CHAIRPERSON: Absolutely, yes.

12 CHIEF CHASITY: Yeah, okay. Good, that's it.

13 COMMISSIONER FUNG: And Chief, I just want to let you
14 know in respect of your comment about having another
15 session, possibly in Hazelton or in your area.

16 CHIEF CHASITY: Mm-hmm.

17 COMMISSIONER FUNG: That right now, as Chair Morton has
18 indicated, we are going to do a session in Prince
19 George, which is a workshop on the draft report once
20 it is released on November 1st and we're going to
21 Prince George. That session has already been kind of
22 scheduled, but I wanted to let you know that there is
23 funding available for you to attend that session in
24 Prince George if you felt that it would be useful. So
25 don't let the fact that it's five hours away deter
26 you.

1 Obviously there's a time commitment on your
2 part to do that but, you know, if it's a matter of the
3 costs of getting from your community to Prince George,
4 there is funding that's available for that, just so
5 you know.

6 CHIEF CHASITY: Okay, thank you.

7 THE CHAIRPERSON: Thanks.

8 MR. GEORGE: Thank you, Chief.

9 Anybody else interested in addressing the
10 panel? Yes please. Make your way to the centre
11 table. First and last name, spell your last name for
12 the record and who you're representing, please.

13 **PRESENTATION BY MS. TOLMIE:**

14 MS. TOLMIE: So my name is Crystal Tolmie, T-O-L-M-I-E,
15 and I am down here in the area for attending the BCAFN
16 annual general assembly on behalf of my Gitanmaax Band
17 Council, but I always find myself in a really unique
18 scenario where I feel like I wear many hats on a
19 continues basis, because aside from being the Deputy
20 Chief for my Gitanmaax Band Council, I am a Hereditary
21 Chief in my Kitsclucla area and I have a land base,
22 and I've also worked in the corporate world. I work
23 in the corporate world. I work for a financial
24 institution for 18 years.

25 And so initially when I sat and I looked at
26 these questions and I thought about that, and through

1 all the dealings that I've had in municipal
2 governments, in our First Nation governments and
3 within my corporate world is Indigenous subjects are
4 very different and they can't be just, you know, put
5 together.

6 So when it's saying that, "Is it
7 appropriate to regulate Indigenous utilities under the
8 UCA? Should they be regulated differently?" And I
9 definitely feel that because things are just viewed
10 differently and what I find in my corporate world is
11 we have policies and procedures that pertain to First
12 Nations lands, First Nations clients, First Nations
13 business and, you know, if I have a problem with one
14 of those scenarios, like if I'm doing a credit
15 application or any type of thing like that and I phone
16 into my help centre, they're like, "No, no, no, you
17 can't do it that way." It's because they don't
18 understand we have a completely separate set of
19 policies.

20 So when I phone in to my general help
21 centre I don't get the help that I'm looking for
22 specifically because they are not experts on the First
23 Nations side of things.

24 So my feelings are if there is to be
25 regulation, which I feel that there is because it's a
26 beneficial thing because it protects the stakeholders,

1 et cetera, but being covered under the same *Utilities*
2 *Act* that is out there now it's going to be difficult.

3 Like listening to the -- from the Upper
4 Nicola and the solar program is why would they have to
5 go to the monopoly to get permission to do something
6 that's of economic benefit to their community? So
7 those are the type of things.

8 So if you had a separate arm, which is
9 specific for Indigenous, then you would have experts
10 at that level. They would understand what the
11 different land rights are, the hereditary system,
12 those type of things that just are not covered under,
13 you know, the usual regulations and things like that.

14 Because Indigenous and First Nations are --
15 we are unique and we can't be lumped in with, you
16 know, Canada's rules and B.C.'s rules and things like
17 that, and we need to have those experts who -- if
18 there is an issue, we've got an expert who can deal
19 with that specifically versus somebody, "Oh, I don't
20 know the answer to that. Let me get back to you,"
21 those type of things. So if we had one that was
22 regulated specifically for Indigenous then it would
23 make a big difference for communication, for
24 implementation, for everything that we need.

25 So that was the opinion that I wanted to
26 share.

1 THE CHAIRPERSON: Thank you.

2 MS. TOLMIE: But not necessarily a question.

3 THE CHAIRPERSON: When you said, "Why should they have to
4 go to the monopoly to do something," can you explain
5 what you mean by that exactly? Go to which monopoly
6 are you talking?

7 MS. TOLMIE: BC Hydro.

8 THE CHAIRPERSON: Okay. And to do?

9 MS. TOLMIE: Well, I don't know entirely the project with
10 the solar. But, you know, if that First Nation is
11 going to want to be doing an economic development and
12 providing power to their people, that's less business
13 for BC Hydro, which is like the monopoly for the hydro
14 for most parts. I heard today that there's Fortis
15 Energy or something like that in some areas.

16 THE CHAIRPERSON: Fortis has an electric service in the
17 Okanagan and parts of the Kootenay.

18 MS. TOLMIE: Exactly.

19 THE CHAIRPERSON: Parts of the Okanagan, part of the
20 Kootenays, yeah.

21 MS. TOLMIE: Yeah, so I just find that it must be a very
22 challenging thing for the Upper Nicola to have to ask
23 somebody who's going to be losing their business
24 permission to do a project, if what I understood from
25 what the conversation was.

26 THE CHAIRPERSON: Thank you.

1 MS. TOLMIE: Yes.

2 COMMISSIONER BREWER: All good.

3 THE CHAIRPERSON: Okay, I think that's good. Thank you
4 very much.

5 COMMISSIONER FUNG: Thank you very much.

6 MR. GEORGE: Thank you very much, Chief.

7 Anybody else? This is normally where I
8 take a break and then I'd go out and I harass every
9 one of you that hasn't already spoken and I cajole and
10 encourage you to speak to the panel. Do you want me
11 to do that? Yeah, you want me to do that?

12 So we'll have a little bit of break. You
13 know who I'm going to come talk to, right? But is
14 there seriously anybody else interested in making some
15 comments to the panel?

16 COMMISSIONER FUNG: That person gets extra dessert.

17 MR. GEORGE: If I can I just want to make a couple of
18 comments. When you talk about energy utilities or
19 energy regulation, that's not a everyday discussion
20 topic in our communities, at our dinner tables. It's
21 not an everyday topic in our meeting rooms or at our
22 council tables. There's many, many competing
23 priorities and this is but one of them that our chiefs
24 and our communities have in their line of sight.

25 We also know when I was doing work with the
26 B.C. Utilities Commission -- I've had the pleasure of

1 working with them years ago as well, the B.C. Utility
2 Commission name recognition is not high in our
3 communities. Many people didn't know who the B.C.
4 Utilities Commission is and what the roles and
5 responsibilities that the Commission holds in the
6 province. We also know that there's a lot engagement
7 to keep going on, and people are pulled in all
8 different directions.

9 So those are some of the thoughts that we
10 had in the forefront of our minds when we designed the
11 process of which you see in front of you right now.

12 Chief Harvey's comments about the quasi-
13 judicial and feel like we're in a hearing. We tried
14 to soften that as much as we can here, understanding
15 too that there's a process, some rigour to the process
16 that BCUC has that we couldn't necessarily deviate
17 from.

18 We looked at the ten sessions in the
19 province through June and July and as Chairman Morton
20 points out, that timeframe was kind of dictated to the
21 Utilities Commission. We looked at all the different
22 meeting schedules of the BCFN, the First Nations
23 Summit, the Union of B.C. Indian Chiefs, we looked at
24 everybody where they regularly hold meetings and we
25 mimicked a fair bit of that. So we went to ten
26 different locations.

1 This session of today, I'm going to
2 acknowledge -- Chief Harvey, are you still on the
3 board of the BCFN?

4 Yes. I want to acknowledge that the board
5 and the BCFN, the regional Chief, for giving us time
6 on the agenda of today for Chairman Morton to address
7 the Chiefs and Assembly. And that led to this 11th
8 session here tonight, and we're really, really happy
9 that you're all here.

10 We have some momentum now that is building
11 about the inquiry and we do have a pretty -- we do
12 have a fixed schedule and timeline that we have to
13 work within. And I do want to just offer, and this is
14 a unique opportunity to comment on the draft
15 recommendations. So the draft recommendations are
16 going to be put together and we're going to go to four
17 locations within the province. It's a unique
18 opportunity, I believe, that's being provided by the
19 BCUC. That's not the normal, to be able to do that.
20 And that's an acknowledgement, I believe, in the
21 relationship and the import that the B.C. Utilities
22 Commission places upon the Indigenous community and
23 places upon reconciliation.

24 So again, we're looking forward to coming
25 out into the community with those recommendations, and
26 that will give you something to sink your teeth into

1 as well. So getting them out in advance, and if you
2 have to hire interpreters to interpret it, but to be
3 able to come to those four sessions and again share a
4 meal and have a conversation like we're having right
5 now about how those recommendations could be
6 strengthened. So there's more opportunities coming
7 up. There's other opportunities as well that I can
8 encapsulate in closing comments.

9 But I just wanted to bring that into your
10 mind about how we are trying to make this a little bit
11 different and fit it into an already full dance card
12 that many of our leadership has. Okay?

13 Shall we have a brief break right now and
14 then we can strong-arm a couple of people, or --?

15 THE CHAIRPERSON: Yes, sounds good.

16 CHIEF McLEOD: Could I just say two more things.

17 MR. GEORGE: Chief Harvey, please.

18 CHIEF McLEOD: Yes. Harvey McLeod again. Just a
19 couple of things.

20 THE CHAIRPERSON: Yes.

21 CHIEF McLEOD: A life experience. We talk about the
22 relationship between individuals, corporations,
23 governments. The way it's set up right now with the
24 governments is we go through a process called
25 "consultation". And it's set up, here's the terms,
26 the work plan, the timeframe on how we're going to

1 talk. And it's very formal, it's a very formal table.
2 And I've been involved in a few of them over the
3 years. And once in a while it will work, but most of
4 the time it won't. Most of the time there's a loser
5 at the end of the consultation process and its usually
6 us. And usually it ends up in court. And sometimes
7 it ends up in court. So we do a lot of court
8 battling. We leave it up to the Provincial Court or
9 the Supreme Court to address and identify and come to
10 a solution or a recommendation or a plan.

11 We are hesitant to go into that direction
12 now, just because we don't have the resources for
13 courts, so we swallow the loss and go home and find
14 another way to address the concern that we have.

15 The other thing that's been coming up is
16 consent, and for some reason, we're a little afraid of
17 that. Governments are afraid of the word "consent"
18 because what I've been hearing over the years is that
19 "consent" means "veto". I could say no, but the
20 reason we're meeting and discussing, and it's usually
21 a project, the government can say yes, and it will go.
22 I'm okay with that. But at least I have the
23 opportunity to put down in the public record that I
24 said no, and it went ahead.

25 And what I'm finding on the other side, if
26 the answer is yes, if we both agree on yes, we rejoice

1 and celebrate. But then it's regulated on what that
2 yes means. It's defined. And at the end of the day,
3 most of the times it makes it impossible to move
4 forward because of that condition on yes. So the
5 playing field isn't quite level yet, but we want to
6 continue having discussion, and one day I want to be
7 able to say no, and whether the project went ahead or
8 not, that's okay, but at least it will be on record
9 that I said no.

10 And so let's not be afraid of it. Let's
11 find a way and develop an understanding between one
12 another and what that means, and I don't have to have
13 my lawyers fighting with your lawyers to interpret
14 that. That's all I want to be able to do is say yes
15 or no. And right now, I'm not being given that
16 opportunity because it's just not on the table.

17 So I'm looking for the day when we can have
18 that discussion and probably the table that we're
19 going to be setting up, or one of the recommendations
20 that we're going to have a look at is that "Let's have
21 a look at that," and see what that could do for all of
22 us.

23 Because what we fight for isn't only for
24 ourselves most of the time, it's for our valley and
25 our community, communities that we live in. I live in
26 the Nicola and sometimes the fight that we have isn't

1 just for Upper Nicola, it's for the Nicola Valley and
2 that's for the First Nations and non-First Nations
3 citizens that live there. So most of the time it
4 isn't just for us. So we just want an opportunity for
5 a person like me to come up and say no. Or to say,
6 "Yeah, let's find a best way to make it happen,"
7 without penalizing you for winning and getting a yes.
8 I've seen that happen.

9 And where we're going down -- the road that
10 we're going down right now with the 15 megawatt, is
11 the government said, "Yes, you've got a 15 megawatt,"
12 but at the end of the day we're going to have to say,
13 "We can't do it."

14 So let's keep that in mind as we move
15 forward and have an understanding, or at least give it
16 some time to understand what the word and the process
17 would be for us to have the word "consent" in the
18 dialogue that we're having with the Crowns.

19 Thank you.

20 THE CHAIRPERSON: Thank you, sir. Thank you.

21 MR. GEORGE: Thank you, Chief.

22 Want a break? We'll break until 7:45, at
23 which point we'll come back and see if there's anybody
24 else who would like to address the panel and then move
25 towards closing. 7:45, thank you.

26 **(PROCEEDINGS ADJOURNED AT 7:32 P.M.)**

1 **(PROCEEDINGS RESUMED AT 7:41 P.M.)**

2 MR. GEORGE: Bring the meeting back to order, please.

3 So there are some that have not addressed
4 the panel. Is there anybody here this evening that
5 would like an opportunity to address the panel?
6 Anybody like to address the panel?

7 Okay. Thank you for your attendance here
8 this evening. Before I turn it over to our
9 Chairperson for some closing comments and thank you,
10 I want to remind you of the next steps. The BCUC is
11 inviting written submissions -- no, that's gone. The
12 BCUC will produce a draft report which will consider
13 the feedback it received at community input sessions
14 and all other evidence filed by November 1st, 2019.

15 The BCUC will be holding four workshops to
16 gather feedback on the draft report which anyone may
17 attend. Once again, Prince George on November 18th,
18 Kelowna on November 21st, Vancouver on November 27th,
19 and Nanaimo on November 28th, 2019. And written
20 comments on the draft report will also be received up
21 until December 4th, 2019.

22 The BCUC must issue an interim report to
23 the Ministry responsible for the *Hydro Power Authority*
24 *Act* by December 31st, 2019. And a final report by
25 January 31st, 2020. As always, more information on the
26 inquiry and how to stay involved can be found at

1 BCUC.com.

2 Thank you for the opportunity for me to
3 participate in a small way with you here this evening.

4 THE CHAIRPERSON: Thank you, Dan. And thank you to
5 everyone who came tonight. And thank you to those
6 that spoke tonight, we appreciate that.

7 I would like to just echo what Dan said
8 about the sessions that we have scheduled to review
9 the draft report. And I would encourage all of you to
10 come and join us in those sessions. It's not
11 necessary to have read or studied -- or won't be
12 necessary to have read or studied the report before
13 you come out. We will do a walkthrough of the report
14 and we'll have some workshops that will be designed to
15 help all of us develop and share comments on the
16 report.

17 Also, please, I encourage you to visit our
18 website. You can look in the materials that have been
19 filed on the websites. There's the transcripts of all
20 the community sessions that we have held. So you can
21 see what others had to say in venues similar to this
22 and in circumstances similar to this. You can see the
23 material that's been filed by intervenors. There's
24 been some interesting filings concerning the
25 regulations of Indigenous utilities across Canada and
26 around the world. And you can also submit your own

1 comments if you'd like.

2 So, on that note, again, thank you all for
3 coming out. We appreciate it and wish you all safe
4 travels. Thank you.

5 (PROCEEDINGS ADJOURNED AT 7:45 P.M.)

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I HEREBY CERTIFY THAT THE FORGOING
is a true and accurate transcript
of the proceedings herein, to the
best of my skill and ability.

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A.B. Lanigan, Court Reporter

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September 19th, 2019

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