



September 20, 2019

Sent via eFile

BCUC INDIGENOUS UTILITIES REGULATION INQUIRY EXHIBIT A-38
--

**Re: British Columbia Utilities Commission – Indigenous Utilities Regulation Inquiry – Project No. 1598998
– Guidance for Final Arguments**

Good morning:

By Order G-214-19 dated September 6, 2019, the British Columbia Utilities Commission (BCUC) issued an updated regulatory timetable for the Indigenous Utilities Regulation Inquiry (Inquiry), which included a session for intervenor oral final arguments on September 27, 2019, and a deadline for written final arguments on October 4, 2019. Below, the BCUC provides guidance for intervenors regarding their final arguments.

Oral hearing

As a reminder, the BCUC is offering all registered intervenors the opportunity to provide oral final argument to the Panel. Providing an oral final argument is considered equivalent to a written final argument, and is optional. The oral final argument will be transcribed, and the transcript will be posted on the Inquiry website. **Intervenor must notify the BCUC at commission.secretary@bcuc.com of their intention to make an oral final argument by Wednesday September 25, 2019.** The BCUC will consider arrangements for providing final argument by teleconference if requested in advance. Intervenor will be heard on a first-come-first-served basis. The Panel may ask questions on an intervenor's final argument, but intervenors may not ask questions of each other.

The oral final argument session will take place on Friday, September 27, 2019 from 9am to 4pm¹, at Allwest Reporting, 12th Floor, 1125 Howe Street, Vancouver, V6Z 2K8.

Content of Final Arguments

Intervenor may use their final arguments to build upon the matters addressed in their written evidence and responses to information requests, and to address matters raised by other intervenors in their respective filings.

To facilitate intervenors' final arguments, the Inquiry Panel is inviting final oral or written submissions on the following questions:

1. The need for regulation of monopoly service providers is generally considered necessary where there is a need to protect the consumer against potential abuse of monopoly power by the service providers. Is this applicable to and important factor for Indigenous utilities? Why or why not?
2. If the regulation of Indigenous utilities were undertaken by an entity other than the BCUC (for example, self-regulated by a First Nation), would it be appropriate for the BCUC to retain its jurisdiction to act upon complaints? Why or why not?

¹ Note, the timing is amended from 9am to 5pm as established by Order G-214-19. The session may end before 4 pm depending on the number of intervenors registered to present.

3. If the regulation of Indigenous utilities were undertaken by an entity other than the BCUC, should the BCUC retain its jurisdiction over system safety and reliability issues? Why or why not?
4. If Indigenous utilities are not to be regulated under the *Utilities Commission Act*, should there also be different regulatory treatment for non-indigenous utilities that provide services on-reserve or, in the absence of a specific treaty provision, on Treaty lands (for example, BC Hydro utility services in a non-integrated area)? Why or why not?
5. In the absence of alternative regulatory arrangements respecting indigenous utilities , please provide examples of how the UCA or other existing legislation relating to utility regulation might be amended to protect the interests of Indigenous Nations, while working towards reconciliation.
6. If there were to be a recommendation to establish an “Indigenous Utilities Commission” or similar body to regulate Indigenous utilities, do interveners have a view whether such a body could or should have some degree of authority over all Indigenous utilities, or should the jurisdiction of such a body be limited to some extent (e.g., confined to specific territorial limits)? Why or why not?

The above questions do not preclude interveners from providing arguments on any other issues within the scope of the Inquiry for the Panel’s consideration. Following interveners’ final arguments, the BCUC will be issuing a draft report for comment on November 1, 2019. There will be four workshops to gather feedback on the draft report as outlined in the regulatory timetable appended to Order G-214-19.

Sincerely,

Original signed by:

Patrick Wruck
Commission Secretary

PS/ad