



February 19, 2020

|  |
|--|
| <b>BCUC INDIGENOUS UTILITIES REGULATION INQUIRY</b><br><b>EXHIBIT A-48</b> |
|--|

Sent via efile

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

On November 1, 2019, the British Columbia Utilities Commission (BCUC) issued its draft report<sup>1</sup> for the Indigenous Utilities Regulation Inquiry (Inquiry). By Order G-282-19 dated November 19, the BCUC issued an updated regulatory timetable for the Inquiry, which included written comments on the draft report by March 2, 2020, and written reply to comments from other participants on the draft report by March 31, 2020. Below, the BCUC provides guidance for participants regarding their final written comments.

**Final Written Comments due by March 2, 2020**

Participants may comment on any matters related to the contents of the draft report. This includes, but is not limited to, the BCUC's draft recommendations summarized on pages 94 to 96 of the draft report, and the topics for discussion outlined on pages 96 and 97 of the draft report.

In addition, the BCUC encourages participants to address the following matters where applicable to their written submissions:

**1. Regulation of Indigenous Utilities on Traditional Territory**

Several participants in the Inquiry have submitted<sup>2</sup> that the BCUC should not regulate Indigenous utilities that operate within a First Nation's traditional territory (territory beyond reserve lands or Treaty lands). If providing written comments related to the regulation of Indigenous utilities on a First Nation's traditional territory, or lands subject to Indigenous self-government, participants are encouraged to address the following issues where they have a view:

- How and the extent to which the implementation of the *Declaration on the Rights of Indigenous Peoples Act*<sup>3</sup> should impact the BCUC's recommendations;
- If an Indigenous utility's service area overlaps with that of an existing utility's "franchise area" (or service territory), should the Indigenous utility be able to serve customers residing within the existing utility's franchise area? If so, to what extent and why? To what extent, if any, should the BCUC's recommendations have regard to the resulting impact on the existing utility? Why or why not? Would any overlapped area be part of both utilities' service areas? Would one utility's claim have to prevail? How would competing claims be resolved and by whom? Please discuss the implications if the

<sup>1</sup> Full report: [https://www.bcuc.com/Documents/Proceedings/2019/DOC\\_56154\\_2019-11-01-BCUC-IUR-Inquiry-Draft-Report.pdf](https://www.bcuc.com/Documents/Proceedings/2019/DOC_56154_2019-11-01-BCUC-IUR-Inquiry-Draft-Report.pdf). Summary of draft report: [https://www.bcuc.com/Documents/Proceedings/2019/DOC\\_56157\\_2019-11-01-BCUC%e2%80%93Indigenous-Utilities-Inquiry-Glossy.pdf](https://www.bcuc.com/Documents/Proceedings/2019/DOC_56157_2019-11-01-BCUC%e2%80%93Indigenous-Utilities-Inquiry-Glossy.pdf).

<sup>2</sup> See, for example, pages 30, 42, 43 and 55 of the draft report.

<sup>3</sup> See: [SBC 2019, c.44](#).

Indigenous utilities are regulated under a different regime than the existing utilities, including how issues of conflict should be addressed.

- Should Indigenous utilities operating on traditional territory serve only members of the First Nation, Indigenous people generally or should it have access to all potential customers within the territory? Please discuss the implications of any restrictions on who can be served.
- Consider these two situations: (1) An Indigenous utility (IU) operating in another utility's (Utility A) franchise area could purchase bulk electricity from Utility A and distribute the electricity to its (the IU's) customers in that territory – thereby not reducing Utility A's demand; or (2) the IU could generate its own electricity for sale to its customers - thereby reducing Utility A's demand.
  - If an Indigenous utility operates in an existing utility's franchise area should there be any restrictions on the source of the electricity (or other type of energy sold)? What factors, if any, should be considered?

## **2. Economic Opportunities from Indigenous Utilities**

The BCUC has heard from many participants in the Inquiry that Indigenous utilities could provide First Nations with opportunities for greater participation in British Columbia's economy.<sup>4</sup>

- Should the BCUC include the facilitation of economic opportunities for First Nations in its recommendations around a regulatory framework for Indigenous utilities? If so, how?

### **Reply Comments due by March 31, 2020**

Participants should restrict their comments to responses to the comments of other participants, rather than introducing any new ideas or comments. This ensures that all parties are offered a fair opportunity to respond to the comments of others.

Following the comment period, the BCUC will review all submissions in preparation for its Final Report to be issued by April 30, 2020.

Sincerely,

*Original signed by:*

Patrick Wruck  
Commission Secretary

PS/ad

---

<sup>4</sup> See, for example, pages 44 to 45 of the draft report.