

**WEISBERG LAW**  
C O R P O R A T I O N

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November 12, 2020

**BY ELECTRONIC FILING**

British Columbia Utilities Commission  
6th floor, 900 Howe Street  
Vancouver, BC V6Z 2N3  
Attention: Marija Tresoglavic, Acting Commission Secretary

Dear Sirs/Mesdames:

**Re: British Columbia Utilities Commission - Inquiry into the Regulation of Safety  
~ Project No. 1599100**

For the BCUC's Inquiry into the Regulation of Safety we are legal counsel to:

- a. British Columbia Community Solar Coalition (BCCSC);
- b. Irrigation Ratepayers Group (IRG);
- c. Net Metering Ratepayers Group (NMRG);
- d. Vancouver Electric Vehicle Association (VEVA); and
- e. Zone 1B Ratepayers Group (Z1BRG)

collectively referred to in these submissions as the Inquiry into the Regulation of Safety Ratepayers Groups Coalition (IRSRGC).

At this preliminary stage of the Inquiry we are filing these submissions jointly on behalf of all five groups. The groups' cooperation in that regard and the resulting avoidance of multiple submissions is specifically intended to increase the efficiency of their participation in the BCUC's process in this Inquiry, as contemplated in the *PACA Guidelines*. In the event that the Inquiry proceeds with further process, each of the five groups identified above reserves the right to proceed independently and to file group-specific submissions as may be required.

Weisberg Law Corporation Letter to BCUC  
BCUC Inquiry into the Regulation of Safety  
November 12, 2020

The following submissions respond to the specific questions posed by the BCUC in Appendix B to Order G-241-20 regarding the need for and potential scope of an Inquiry into the Regulation of Safety.

***1. What is the BCUC's jurisdiction with respect to the regulation of safety and what aspects of a public utilities' activities does it apply to?***

***(a) Does the BCUC have the authority under the UCA to set standards, rules or regulations with respect to safety?***

IRSRGC notes that the BCUC is empowered by the *Utilities Commission Act* (UCA) to regulate public utilities in British Columbia. The BCUC's resulting broad jurisdiction importantly and necessarily extends to possessing the authority to make orders regarding safety.

More specifically, the UCA expressly confers powers related to safety issues to the BCUC in the following:

- a. Section 23(1)(c);
- b. Section 23(1)(g)(i);
- c. Section 27(2);
- d. Section 37(1)(a); and
- e. Section 49(c).

The Commission's jurisdiction to set "just and reasonable standards, classifications, rules, practices or service to be used by a public utility", which includes safety issues, is expressed in clearest terms in *UCA* Section 26(a).

IRSRGC submits that the *UCA* expressly contemplates the BCUC exercising its jurisdiction in safety matters. No reasonable interpretation of *UCA* Sections 23, 27, 37 and 49 could lead to a contrary conclusion.

As to how the BCUC may exercise its discretion within the broad jurisdiction granted to it under the *UCA*, IRSRGC trusts that the BCUC would focus its attention and efforts on regulatory oversight most likely to incrementally enhance the safety of the equipment and operations of the utilities it regulates in areas that may be identified through this Inquiry.

***2. Are there currently any legislative gaps in the oversight of public utilities with respect to safety?***

IRSRGC is not presently aware of any current legislative gaps in the oversight of public utilities with respect to safety. IRSRGC looks forward to considering the views of other participants in this Inquiry, the utilities and the BCUC on this issue.

***3. Are there any areas of legislative overlap or duplication in the oversight of public utilities with respect to safety?***

Operations of the utilities regulated by the BCUC necessarily involve recognized hazards in equipment, locations, and events (e.g. leaks, breaks, fires, explosions, earthquake, etc.), design and engineering, manufacture, installation, maintenance, malfunction, accident and human error. The potential for these and other hazards to create harm to utilities' employees, contractors or customers, other members of the general public, property damage or business disruption understandably draws the attention of governments, industry and other entities that may create legislation, orders, regulations, standards or other oversight regarding safety.

IRSRGC submits that some degree of overlap or duplication in legislation may be unavoidable in a practical sense. It simply may not be worthwhile to conduct a comprehensive study of all such possible overlap or duplication, or the time and effort to identify, address and eliminate all of it may require more effort and cost to achieve than the changes would create.

IRSRGC suggests that the Inquiry should focus on identifying, from the submissions of the broad range of participants in the Inquiry, any areas of legislative overlap or duplication that may potentially be interpreted in a manner that creates conflict (e.g. legislation A requiring a specific action and legislation B prohibiting the same action) or makes compliance by the utilities unduly onerous. Any significant gaps in regulatory oversight should also be considered. IRSRGC has confidence that the Inquiry process, appropriately guided, will elicit the information necessary to identify the most problematic areas of legislative overlap or duplication or gaps in oversight.

***4. Would a workshop in support of the Inquiry be beneficial?***

IRSRGC believes that a workshop in support of the Inquiry could be a helpful and efficient means to bring together the many and varied perspectives of Inquiry participants to refine in real time the potential safety issues that may warrant consideration in the balance of the Inquiry.

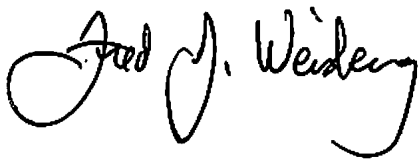
Weisberg Law Corporation Letter to BCUC  
BCUC Inquiry into the Regulation of Safety  
November 12, 2020

*(a) If so, what would an appropriate scope for a workshop include?*

IRSRGC submits that the appropriate scope for a workshop should include:

1. Identifying the range of potential safety concerns that may fall within BCUC jurisdiction, including the dangers they may create for: utilities' employees, contractors and customers; members of the general public; property; economic activity; and environment.
2. Understanding the specific safety concerns and requirements as they may relate to:
  - a. Equipment and operations of BC Hydro that may create safety issues for its micro-hydro Net Metering customers;
  - b. Equipment and operations of BC Hydro that may create safety issues for its solar Net Metering customers;
  - c. All BC regulated utilities providing equipment and operations involving EV charging;
  - d. Unique circumstances including single-source electrical generation and transmission, diesel generation, and lack of system redundancy in Non Integrated Areas (i.e. BC Hydro's Zone 1B and Zone 2); and
  - e. Equipment and operations of FortisBC that may create safety issues for its Irrigation customer class.
3. Considering what legislative or regulatory overlap or duplication in safety matters affecting BCUC regulated utilities may be avoided, reduced or eliminated in an efficient manner.
4. Recognizing what safety concerns affecting BCUC regulated utilities may be currently unregulated and whether there are compelling reasons to leave them unregulated.

Yours truly,

A handwritten signature in black ink that reads "Fred J. Weisberg". The signature is written in a cursive, flowing style.

Fred J. Weisberg  
Weisberg Law Corporation

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