



building trust. driving confidence.

November 17, 2020

British Columbia Utilities Commission
Suite 410
900 Howe Street
Vancouver, BC V6Z 2N3

Attention: Ms. Marija Tresoglavic, Acting Commission Secretary and Manager,
Regulatory Services

**Re: BCUC Inquiry into the Regulation of Safety –
ICBC Response to MoveUP Comments**

Dear Ms. Tresoglavic:

ICBC writes to address an aspect of the submissions of MoveUP dated November 12, 2020 (Exhibit C-5-2) in the above-noted Inquiry, which was brought to ICBC's attention.

MoveUP suggests that the Inquiry should address the BCUC's role in regulating safety vis-à-vis ICBC, not just in respect of BCUC-regulated public utilities. ICBC respectfully submits, for the reasons stated below, that MoveUP's assessment of the statutory framework is incorrect. The BCUC's role in respect of ICBC should remain outside the scope of the Inquiry.

As the BCUC is aware, ICBC is not a "public utility" under the *Utilities Commission Act* (UCA). Rather, section 44 of the *Insurance Corporation Act* (ICA) makes certain sections of the UCA applicable to ICBC. ICBC's business differs from that of public utilities in fundamental ways, and the legislation reflects those differences.

MoveUP cites section 23(1)(g)(i) of the UCA, which references safety. MoveUP suggests that the section applies to ICBC by virtue of section 44 of the ICA. However, MoveUP has overlooked section 44(3)(c) of the ICA, which specifically deems section 23(1)(g)(i) to read so as to exclude safety from the scope of the BCUC's powers.

For ease of reference, section 23(1)(g)(i) of the UCA, as it applies to public utilities (not ICBC), reads

23 (1) The commission has general supervision of all public utilities and may make orders about

...

(g) other matters it considers necessary or advisable for

(i) the safety, convenience or service of the public,...

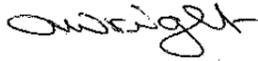
Section 44(3) of the ICA, which applies to ICBC states: "section 23 (1) (g) (i) of the [Utilities Commission Act](#) is deemed to read as follows: "(i) the convenience or service of the public, or". The reference to "safety" has been omitted.

Indeed, every section of the UCA that references safety has been made inapplicable to ICBC by virtue of section 44 of the ICA.

MoveUP also cites section 24 of the UCA. While this section applies to ICBC, it does not reference safety. Rather, it requires the BCUC to keep itself apprised of matters that are, by virtue of other provisions of the UCA, within its jurisdiction. Since the legislative intent is clear that safety is not within the BCUC's jurisdiction when it comes to ICBC, this section is inapplicable.

ICBC respectfully requests that the BCUC confirm this point now, so as to eliminate the need for ICBC's further participation in this Inquiry. In the meantime, ICBC's remains committed to the safety of its employees and the public, and will continue to adhere to other legislation that is applicable to ICBC.

Yours truly,



Angela Wright
Manager, Corporate Regulatory Affairs
/AW

Cc: Bill Carpenter, Vice President, Insurance, ICBC
Susanna Allevato Quail, Allevato Quail & Roy