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C O R P O R A T I O N

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January 7, 2021

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**

We are writing on behalf of our client Towards Responsible Educated Attentive Driving (TREAD) in response to the BCUC's letter dated December 17, 2020 (Exhibit A-3) requesting submissions from stakeholders and participants on the following:

- Should the scope of the Inquiry include the regulation of safety for ICBC?

We have reviewed the Letter of Comment filed by ICBC on November 17, 2020 (Exhibit E-3).

We have also reviewed submissions filed by other Interveners and parties in the Inquiry.

We note that the BCUC's letter establishing the Inquiry (Exhibit A-1) refers to the regulation safety as it applies to "public utilities" pursuant to specifically referenced sections of the *Utilities Commission Act* (UCA).

We agree with ICBC's submission that ICBC is not a "public utility" under the UCA. We also agree that section 44 of the *Insurance Corporation Act* (ICA) makes certain sections of the UCA applicable to ICBC although ICBC's business differs from that of public utilities in fundamental ways, and the legislation reflects those differences.

TREAD Letter to BCUC
BCUC Inquiry into the Regulation of Safety
January 7, 2021

ICBC also stated:

“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.”

Accordingly, we conclude that given the current legislation ICBC should not be included as a public utility within the scope of the Inquiry.

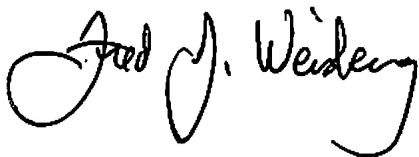
TREAD also notes that the safety issues relevant to ICBC would appear to be quite different than those relevant to energy utilities.

TREAD encourages the BCUC to exclude ICBC from this Inquiry and instead direct ICBC to specifically address safety issues in its next Application to the BCUC. The BCUC scoping Order should also make clear to all stakeholders and participants, and to the general public, that the BCUC is NOT responsible for regulating safety issues relevant to ICBC.

It is critical that in making the suggested ruling as to the scope of the Inquiry, the BCUC should expressly state that the current legislation creates a significant regulatory gap in that ICBC is apparently subject to no external regulatory oversight regarding safety issues. Any failures or shortcomings in ICBC’s administration of safety issues – particularly road safety matters – clearly have the potential to cause or contribute to injury or death of not only its own insurance customers but also others on or near roadways (e.g. out-of-province drivers, passengers, cyclists, pedestrians, etc.).

It would not be enough for the BCUC to simply say that regulation of safety issues at ICBC are outside the BCUC’s responsibility and jurisdiction. It is imperative that the BCUC press ICBC and the government to make clear who *is* responsible for regulatory oversight of safety matters at ICBC and to explain why such a significant regulatory gap was created by the legislation and why it has been allowed to persist.

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
Counsel to
Toward Responsible Educated Attentive Driving