



January 14, 2021

Sent via email/eFile

<p><b>BCUC INQUIRY INTO THE REGULATION OF SAFETY</b> <b>EXHIBIT A-5</b></p>
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**To:** Stakeholders  
Registered Parties

**Re: British Columbia Utilities Commission – Inquiry into the Regulation of Safety (Inquiry) – Exclusion of the Regulation of Safety for the Insurance Corporation of British Columbia from the Inquiry Scope**

By letter dated December 17, 2020 (Exhibit A-3) the British Columbia Utilities Commission (BCUC) requested submissions from stakeholders and participants in the Inquiry into the Regulation of Safety (Inquiry) on whether the scope of the Inquiry should include the regulation of safety for the Insurance Corporation of British Columbia (ICBC).

On November 12, 2020, MoveUP filed a submission stating, in part, that certain sections of the *Utilities Commission Act* (UCA) apply to ICBC and that it is not statutorily excluded from the scope of Inquiry. MoveUP recommended that the BCUC include consideration of safety issues at ICBC in the Inquiry.<sup>1</sup>

On November 17, 2020, ICBC filed a letter of comment stating that the sections of the UCA that reference safety have been made inapplicable to ICBC by virtue of section 44 of the *Insurance Corporation Act* (ICA).<sup>2</sup>

On January 6, 2021, the following parties provided submissions on whether the scope of the Inquiry should include the regulation of safety for ICBC: the British Columbia Hydro and Power Authority, the British Columbia Old Age Pensioners' Organization *et al.*, Don Flintoff, MoveUP and Towards Responsible Educated Attentive Driving (TREAD). All parties submit that the regulation of safety for ICBC should not be included in the scope of the Inquiry.

TREAD also submits 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”<sup>3</sup> and recommends 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.”<sup>4</sup>

By letter dated January 13, 2021, and with reference to submissions received from parties as to whether ICBC should be included in the scope of the Inquiry, ICBC stated that all parties agree that the scope does not include

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<sup>1</sup> Exhibit C5-2, p. 3.

<sup>2</sup> Exhibit E-3.

<sup>3</sup> Exhibit E-4, p. 3.

<sup>4</sup> Exhibit E-4, p. 3.

ICBC. Therefore, ICBC requests that the BCUC eliminate the requirement for further participation by ICBC in the Inquiry.<sup>5</sup>

In response to TREAD's recommendations, ICBC states that, in the context of revenue requirements proceedings, ICBC already provides the BCUC with information regarding road safety initiatives to the extent that information is relevant to areas within the BCUC's jurisdiction. The BCUC is already tasked with considering road safety initiatives that go to reducing claims costs, which are reflected in rates.<sup>6</sup>

Further, with respect to occupational health and workplace safety, as well as infrastructure safety more generally, ICBC states it is no different than other businesses in British Columbia and is subject to the relevant regulatory regimes in place under provincial legislation. As such, ICBC submits there is no regulatory gap that the BCUC should be concerned with and the BCUC need not "press ICBC and the government" with respect to matters outside of its jurisdiction.<sup>7</sup>

In consideration of party submissions and pursuant to Order G-15-21, dated January 14, 2021, the BCUC excludes the regulation of safety for ICBC from the scope of the Inquiry.

Sincerely,

*Original signed by:*

Marija Tresoglavic  
Acting Commission Secretary

LJ/cmv  
Enclosure

cc: Angela Wright  
Manager, Corporate Regulatory Affairs  
Regaffairs@icbc.com

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<sup>5</sup> Exhibit E-3-1.

<sup>6</sup> Exhibit E-3-1, p. 2.

<sup>7</sup> Exhibit E-3-1, p. 2.



**ORDER NUMBER**  
**G-15-21**

IN THE MATTER OF  
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Utilities Commission  
Inquiry into the Regulation of Safety

**BEFORE:**

D. M. Morton, Panel Chair  
C. Brewer, Commissioner  
R. I. Mason, Commissioner

on January 14, 2021

**ORDER**

**WHEREAS:**

- A. By Order G-241-20, dated September 23, 2020, the British Columbia Utilities Commission (BCUC) established an inquiry to examine the role of the BCUC in the regulation of safety (Inquiry) and established a regulatory timetable, which included written submissions and letters of comment, with further process to be determined;
- B. On November 12, 2020, the BCUC received intervener written submissions and letters of comment, addressing the BCUC's jurisdiction with respect to the regulation of safety, legislative gaps or overlaps and whether a workshop in support of the Inquiry would be beneficial;
- C. By letter dated December 17, 2020, the BCUC requested submissions from stakeholders and participants on whether the scope of the Inquiry should include the regulation of safety for the Insurance Corporation of British Columbia (ICBC);
- D. By Order G-342-20, dated December 18, 2020, the BCUC established a further regulatory timetable for the Inquiry, which included the proposed scope for the Inquiry and a web-based procedural conference;
- E. On January 6, 2021, the British Columbia Hydro and Power Authority, the British Columbia Old Age Pensioners' Organization *et al.*, Don Flintoff, MoveUP and Towards Responsible Educated Attentive Driving provided submissions on the inclusion of ICBC in the Inquiry scope, stating that the regulation of safety for ICBC should not be included; and
- F. The BCUC has reviewed the submissions and finds that references to safety in the *Utilities Commission Act* have been made inapplicable to ICBC by section 44 of the *Insurance Corporation Act* and that the following determination is warranted.

**NOW THEREFORE** the BCUC orders that the scope for the Inquiry shall exclude the regulation of safety for ICBC.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 14<sup>th</sup> day of January 2021.

BY ORDER

*Original signed by:*

D. M. Morton  
Commissioner