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BARRISTERS AND SOLICITORS

AQR file no. 20-121
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British Columbia Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC V6Z 2N3

Attention: Patrick Wruck, Commission Secretary and Manager

filed online

Dear Mr. Wruck:

Re: Inquiry into the Regulation of Safety – Project No. 1599100

We write to provide comments on behalf of the intervenor MoveUP regarding the Proposed Stage 1 Sub Issues outlined in Appendix A to your letter of March 25, 2021, Exhibit A-7 in this proceeding.

SUB ISSUE 1 – KEEPING INFORMED

MoveUP submits that public utilities should provide regular reporting to the BCUC on a safety-related matters in annual reports. Presently this information is only provided on an annual basis where the utility is subject to PBR regulation, if safety measures are included in Service Quality Indicators. For example, all-injury frequency rates are normally included in SQI reporting in RRA or PBR applications, but only on an annual basis if required under PBR.

MoveUP supports more regular and frequent collection and consideration of safety data, and submits that utilities should provide this information annually. This information should include time-loss injuries, showing duration of time lost, nature of the injury, and corrective measures taken. Utilities should also report all WorkSafeBC complaints, inspections, and outcomes. Natural gas utilities should also annually report public contact with pipelines, which may presently be captured as an SQI in a PBR regime but should be required annually across the board.

SUB ISSUE 2 – SCOPE OF THE BCUC’S SAFETY MANDATE

In MoveUP’s submission, the categories of asset safety, worker safety, and public safety adequately encompass the extent of the BCUC’s mandate with respect to public utility safety. Safety of the environment, of customers, and of the energy supply are elements of public safety, which are properly of concern to the BCUC and intervenors in its proceedings.

SUB ISSUE 3 – SAFETY IN BCUC ADJUDICATIONS

MoveUP submits that if safety-related information is reported annually, then there is no specific need for additional safety considerations in expenditure schedule applications, RRAs, LTRP applications, or CPCN applications. It always remains open to the applicant, the Commission, or an intervenor to raise safety issues where these are pertinent but in MoveUP’s view it is unnecessary to build these into these proceedings in all circumstances.

SUB ISSUE 4 – EFFECTS OF BCUC SAFETY REGULATION ON REGULATORY BURDEN

Safety is the most important priority in the operation of a utility. Financial losses can be recovered; loss of life or permanent injury cannot. MoveUP’s members are directly affected by safety issues in the operation of public utilities.

MoveUP recognizes that public utilities gather and report safety-related information in a number of forums and formats, and does not support unduly replicating already functional systems. However, given that safety is already a high priority for public utilities and that public utilities are already gathering and monitoring this data, there should not be a significant regulatory burden in reporting it. This is also the case given that safety issues already are raised in many aspects of BCUC proceedings, just not always squarely or routinely. BCUC should move towards more regular, routine reporting of safety information, which will streamline rather than increase the regulatory burden.

SUB ISSUE 5 – REGULATORY GAPS

MoveUP has no comment on regulatory gaps that may exist as a result of statutory exclusions or the development of new and emerging technologies.

SUB ISSUE 6 – REGULATORY OVERLAPS

The potential regulatory overlap most relevant to MoveUP’s members is the overlap between WorkSafeBC and the BCUC’s jurisdiction regarding safety. As set out in our previous submission, BCUC’s mandate regarding worker safety is broader than and different from WorkSafeBC’s.

Specifically:

- WorkSafeBC set minimum standards for workplace safety. However, WorkSafeBC’s minimum standards are not necessarily calibrated to the optimal threshold for a particular

utility, when considered from the perspective of the impact on the utility's overall operations and the impact on ratepayers. There may be (and in MoveUP's view, are) situations where it is fiscally sound to meet a higher standard than the WorkSafeBC minimum in order to avoid potentially costly safety issues.

- WorkSafeBC takes a reactive or claims-based approach to many safety issues, while a maximally efficient approach is preventive and proactive. For example, it may be very cost effective to proactively design ergonomic workplaces in order to avoid claims for soft-tissue or repetitive-strain issues. WorkSafeBC sets minimum standards for ergonomics but these are very general, and not meaningfully enforced.
- WorkSafeBC applies a bright-line test to decide whether an illness or injury is caused by work – and therefore within its jurisdiction – or not, while the BCUC can take a more flexible approach. There may be circumstances where it would be optimal to proactively address health and safety issues, for example mental health or stress, that are infrequently recognized as workplace injuries by WorkSafeBC, but that have a negative impact on the utility's provision of cost-effective services to ratepayers.

MoveUP submits that the BCUC should take advantage of the existing WorkSafe regulatory and reporting regimes and require utilities to report this information annually to the BCUC, but also take a broader approach to safety issues that is not narrowly focused on reacting to workplace injuries and illnesses.

All of which is respectfully submitted.

Yours truly,

ALLEVATO QUAIL & ROY



per **Susanna Allevato Quail**
Barrister & Solicitor