



April 29, 2021

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

Attention: Mr. Patrick Wruck, Commission Secretary

Dear Mr. Wruck:

**Re: British Columbia Utilities Commission (BCUC) – Inquiry into the Regulation of Safety (Inquiry) – Stage 1**  
**FortisBC Energy Inc. (FEI) and FortisBC Inc. (FBC), collectively FortisBC**  
**Submission on Sub-Issues**

---

FortisBC writes in response to BCUC Order G-34-21, which established a further regulatory timetable for the Inquiry, and Exhibit A-7, which provided proposed Stage 1 sub issues for intervenor comments.

FortisBC submits that in light of the number of intervenors and the number of proposed sub issues and questions, it would be most efficient for the Inquiry to focus on foundational items in Stage 1.

As set out in more detail below, FortisBC submits that five of the six sub issues proposed by the BCUC (all but Sub Issue 3) could be appropriate for Stage 1 of the Inquiry. Sub issue 3 and some of the questions posed in Exhibit A-7 with respect to other sub issues are likely better left for Stage 2 of the Inquiry, as Stage 2 is intended to explore the application of the principles and framework that are to be set out in Stage 1. FortisBC submits that questions that address implementation, such as timing, and methods, in particular, are more appropriate for Stage 2 of the Inquiry.

In addition, while some items could be considered in Stage 1, they may also benefit from consideration in Stage 2 after foundational items have been considered.

### **Sub Issue 1 – Keeping Informed**

Sub Issue 1, which would explore what it means for the BCUC to “keep itself informed” with respect to utility safety and the BCUC’s general safety oversight responsibilities, could be appropriate for Stage 1. However, some of the questions posed with respect to this sub issue are particularly better left to Stage 2. Those questions are:

- Aspects of Questions 2(a), 2(b), 2(c) and 2(d) that address reporting timeframes and frequency;
- Question 2(e) in relation to steps the BCUC might take to ensure it receives information from the other agencies; and
- Question 3.

These questions or aspects of questions relate to implementation of principles, rather than the BCUC's jurisdiction and the development of a framework. Accordingly, they are particularly better addressed as part of Stage 2.

### **Sub Issue 2 – Scope of the BCUC's Safety Mandate**

The scope of the BCUC's safety mandate and the questions related to Sub Issue 2 are best addressed in Stage 1 of the Inquiry. This is a foundational issue for the Inquiry.

### **Sub Issue 3 – Safety in BCUC Adjudications**

Sub Issue 3 and the questions provided under Sub Issue 3 all are more appropriately addressed in Stage 2 of the Inquiry. Sub Issue 3 and the related questions address the implementation of oversight more than a determination of the contours of the BCUC's jurisdiction with respect to safety. How safety matters could be considered in BCUC proceedings would benefit from consideration of the nature and scope of the BCUC's jurisdiction to regulate safety in Stage 1 of the Inquiry.

### **Sub Issue 4 – Effects of BCUC Safety Regulation on Regulatory Burden**

Consideration of the potential effects of incorporating safety into BCUC reporting requirements and adjudications, as set out in Questions 1 and 3 of Sub Issue 4, could be appropriate for Stage 1 of the Inquiry. However, some of the questions posed with respect to Sub Issue 4 are particularly better left to Stage 2, as they relate to implementation. These questions are:

- Question 2: Factors to consider that influence the depth of reporting requirements is a question more appropriately addressed in Stage 2 of the Inquiry, as it relates to the implementation of reporting requirements.
- Question 4: Whether the size of the utility should influence the methods of reporting, also relates to the implementation of reporting requirements and is more appropriately addressed in Stage 2 of the Inquiry.

### **Sub Issue 5 – Regulatory Gaps**

The question of whether gaps exist within the overall regulatory framework with respect to the regulation of public utilities is best addressed in Stage 1 of the Inquiry. This is a foundational issue for the Inquiry.

---

## **Sub Issue 6 – Regulatory Overlaps**

The identification of overlapping regulatory jurisdiction and its import for reporting requirements for public utilities is appropriate for Stage 1 of the Inquiry. This is a foundational issue for the Inquiry. However, some of the questions posed with respect to Sub Issue 6 are better left to Stage 2, as they relate to implementation. These questions are:

- Question 1(b): The issue of whether the BCUC should continue to receive safety-related reporting relates to the methods of implementing the BCUC's supervisory jurisdiction and can be better addressed once the areas and extent of overlap have been identified. As such, this is more appropriately addressed in Stage 2 of the Inquiry.
- Question 3: The issue of whether the BCUC should be notified of safety violations that occur under the jurisdiction of other regulatory bodies is a question that is better suited for determination once the BCUC's general supervisory jurisdiction and its potential overlap with other regulatory bodies has been considered. Therefore, this question is more appropriately addressed in Stage 2 of the Inquiry.

If further information is required, please contact Paul Chernikowsky at (250) 717-0894.

Sincerely,

**on behalf of FORTISBC**

***Original signed:***

Diane Roy

cc (email only): Registered Interveners