

August 30 2021

Ms. Marija Tresoglavic  
Acting Commission Secretary and Manager,  
Regulatory Support  
British Columbia Utilities Commission  
Suite 410, 900 Howe Street  
Vancouver, BC  
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**RE: British Columbia Utilities Commission (BCUC)  
Inquiry into the Regulation of Safety (Inquiry) – Stage 1 Submissions**

In accordance with BCUC Order G-209-21<sup>1</sup>, Technical Safety BC hereby provides its submissions addressing Stage 1 of the Inquiry. The focus of Technical Safety BC's response is to provide general comments with respect to Regulatory Gaps and Regulatory Overlaps, which are identified as sub issues 4 and 5, respectively, in Appendix B to Order G-209-21<sup>2</sup>. We also submit a structural comment regarding the scope of the Inquiry as a whole.

Technical Safety BC is an independent, self-funded organization established by the *Safety Authority Act*<sup>3</sup> to oversee the safe installation and operation of technical systems and equipment across British Columbia. As described in our submissions dated November 12, 2020, Technical Safety BC believes that any perceived overlaps in the safety oversight of utilities (and other regulated entities) does not, in fact, pose major barriers for regulatory compliance or the functioning of the safety system.<sup>4</sup> This is because different regulators operate under different legislation that is intended to address different matters related to safety. That notwithstanding, we believe clarity in legislation and the scope of a regulator's authority supports overall safety. Accordingly, we submit that a guiding principle for interpreting the safety references under the *Utilities Commission Act*<sup>5</sup> ("UCA") should be to avoid duplication of other legislative mandates relating to safety that already exist.

We refer to our submissions dated November 12, 2020, where we illustrate our view concerning where gaps in oversight may exist.<sup>6</sup> Interpreting the current provisions of the UCA will do little to address the gaps that we identified in that submission. Instead, our view is that new legislation may be required to close those gaps.

In Appendix B to Order G-209-21, we note the Panel stated the following questions in relation to regulatory overlaps (sub issue 5):<sup>7</sup>

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<sup>1</sup> Exhibit A-8 dated July 8, 2021.

<sup>2</sup> Exhibit A-8 dated July 8, 2021.

<sup>3</sup> S.B.C. 2003 c. 38.

<sup>4</sup> Exhibit C12-2. Technical Safety BC submissions in response to BCUC Order No. G-241-20 dated September 23, 2020 (Exhibit A-1).

<sup>5</sup> R.S.B.C. 1996, c. 473.

<sup>6</sup> Exhibit C12-2. Technical Safety BC submissions in response to BCUC Order No. G-241-20 dated September 23, 2020 (Exhibit A-1).





2. Should the BCUC assess or ensure that public utilities comply with safety regulations that are under the jurisdiction of another regulatory body?

3. If a public utility is not in compliance with another regulatory body's safety regulations, what responsibility and/or authority, if any, does the BCUC have to take action?

We also note that the Panel received comments regarding the role of other regulators. In particular, Borealis GeoPower Inc., in its letter dated April 19, 2021, proposed to add a question to state:

6. If another regulatory body has overlapping safety jurisdiction with the BCUC, should the BCUC assess and ensure that the other regulatory body's regulation of safety is as efficient as possible (i.e. does it impose the least possible economic burden on the public utility while ensuring safety)?<sup>8</sup>

Technical Safety BC respectfully submits that the BCUC does not have authority over safety regulations that are made under different legislation and that are under the administrative authority of another regulatory body. We further note that the BCUC does not have any jurisdiction to make assessments regarding the efficiency or performance of other regulators, or entities in general who are not otherwise subject to the UCA. Specifically, section 24 of the UCA requires the BCUC to supervise *public utilities* and keep informed about compliance by *public utilities*. In addition, section 25 of the UCA allows the BCUC to order improved service if it finds that the service of a public utility is unreasonable, unsafe, inadequate or unreasonably discriminatory. We therefore agree with the Panel's decision not to address Borealis' proposed question in Stage 1 of the Inquiry<sup>9</sup> and would further state, with respect, that any such discussion is beyond the scope of this Inquiry and beyond the scope of the BCUC's authority.

The scope of the BCUC's safety mandate is limited to that which is provided under the UCA. Any other regulatory body has the authority to independently interpret its own safety legislation, the scope of its safety mandate, to assess and ensure compliance from its regulated entities, and to take any action that the particular regulatory body has determined is necessary. Therefore, Technical Safety BC submits that a guiding principle for the BCUC in this regard should be to work collaboratively with the other regulators that oversee the integrity of the safety system whenever situations of regulatory gaps, conflicts or genuine overlaps arise. Technical Safety BC regards safety oversight as a shared responsibility amongst the regulated entities and regulators. Among regulators, that shared responsibility is not hierarchical in nature.

Sincerely,

Dr. Clint Abbott  
Director, Policy and Regulatory Affairs  
Technical Safety BC

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<sup>7</sup> Exhibit A-8 dated July 8, 2021, p 8.

<sup>8</sup> Exhibit 2-4.

<sup>9</sup> Exhibit A-8 dated July 8, 2021, p 16.