

BRITISH COLUMBIA UTILITIES COMMISSION
IN THE MATTER OF THE UTILITIES COMMISSION ACT
R.S.B.C. 1996, CHAPTER 473

And
An inquiry into the Regulation of
Electric Vehicle Charging Service

VANCOUVER, B.C.
February 27, 2019

Procedural Conference

BEFORE:

D. Morton,	Chair/ Panel Chair
A. Fung, Q.C.,	Commissioner
H. Harowitz,	Commissioner

VOLUME 10

APPEARANCES

P. MILLER,	Commission Counsel
E. GRAFF, S. CRAIG,	British Columbia Ministry of Energy, Mines and Petroleum Resources (MEMPR)
C. FERGUSON, A. JUBB, A. WARD,	British Columbia Hydro and Power Authority
T. AHMED, D. PERTTULA	FortisBC Inc. (FBC) and ForticBC Energy Inc. (FEI)
C. WEAVER,	Commercial Energy Consumers Association of British Columbia
I. MIS,	British Columbia Old Age Pensioners' Organizations, Active Support Against Poverty, Disability Alliance B.C., Council of Senior Citizens' Organizations of B.C., Tenants Resource and Advisory Centre and Together Against Poverty Society (BCOAPO)
D. AUSTIN, J. WEIMER,	Clean Energy Association of British Columbia (CEABC)
M. KEEN,	ChargePoint
D. FLINTOFF,	Self
D. LITTLEJOHN,	Community Energy Association (CEA)
W. ANDREWS,	B.C. Sustainable Energy Association and Sierra Club of B.C. (BCSEA)
T. ALLAN,	AddÉnergie Technologies Inc.
C. KING,	Siemens
P. JONES, M. KRAUTHAMER,	Alliance for Transportation Electrification

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VANCOUVER, B.C.

February 27th, 2019

(PROCEEDINGS RESUMED AT 9:02 A.M.)

THE CHAIRPERSON: Please be seated, thank you.

Good morning ladies and gentlemen. My name is Dave Morton and with me are Commissioners Anna Fung and Howard Harowitz. Welcome to this morning's processing to consider matters related to Phase 2 of the BCUC's inquiry into the regulation of electric vehicle charging services.

In our letter dated February the 13th, which can be found at Exhibit A-40, we noted that the submissions received so far contain a combination of argument and evidence, and we requested that parties address the following issues in this procedural conference. One is whether the evidentiary record is adequate for deliberation for the scope items Phase 2, and that leads to a couple of sub-questions. If so, then should we just proceed to final argument in Phase 2, and if not we're asking you to please specify in which areas the Phase 2 scoped items require additional evidence and what's the nature of the evidence required. What's the appropriate regulatory process to gather the evidence?

For example, for the items set out in the regulatory framework for non-exempt public utilities

1 in the wholesale rate section is there adequate
2 evidence regarding other jurisdictions' business
3 models, approaches and experience regarding non-exempt
4 public utilities providing EV charging services. What
5 is the maturity level of the EV charging market and
6 the applicable government policy directions in those
7 jurisdictions. How and why is this evidence relevant,
8 if at all, in consideration of our current legislative
9 and policy framework.

10 Secondly, the appropriate timeline of any
11 subsequent process to consider the interveners'
12 submissions on item one above and, thirdly, any other
13 procedural or scope matters that interveners may wish
14 to present to the panel for consideration.

15 At this stage now I'd like to introduce and
16 acknowledge a number of individuals who play an
17 important role in this inquiry. Leon Cheung is seated
18 at the front, is a lead staff. With him are other
19 staff members, Yolanda Domingo, Avery Jones, Julian
20 Sykes, and Sarah Khan. Yolanda Domingo is the
21 director of rates and the project manager for this
22 inquiry. Commission counsel is Paul Miller from
23 Boughton, and our hearing officer is Keith Bemister.

24 Before Mr. Miller takes over I'd like to
25 ask you to please make sure that your submissions are
26 directed to the issues that I've just outlined,

1 together with any other issues that you or any other
2 participant identify and the panel accepts is
3 appropriate for addition to the agenda.

4 In our view the issues are most efficiently
5 canvassed collectively as opposed to issue by issue,
6 but if anyone disagrees we're prepared to consider any
7 alternative approach you may suggest. However, please
8 address this during your appearance. After
9 appearances the order of submissions will follow the
10 order of appearances. And we're going to start the
11 order of appearances with the people that are
12 physically present in the room, and then I understand
13 that there are some parties on the telephone and we'll
14 ask for your appearance after we've finished with the
15 people that are in the room.

16 And then, as I said, after appearances the
17 order of submissions will follow the order of
18 appearances, and when we reach the end of the
19 interveners beginning with the last intervener to
20 speak, everyone will have a right of reply and we'll
21 go back to up the list in reverse order.

22 **Proceeding Time 8:09 a.m. T02**

23 So I'll now ask Mr. Miller to call for
24 appearances. When you enter your appearance please
25 state and spell your name for the record, let us know
26 the party that you represent, and identify any

1 additional issues that you wish to be added to the
2 agenda at that time. And also indicate whether you're
3 happy that the issues are all dealt with together or
4 if you feel that we need to carve off some issues and
5 deal with them with a separate round of submissions.

6 Mr. Miller, please go ahead.

7 MR. MILLER: Thank you, Mr. Chairperson. The first in
8 the order of appearances is the Ministry of Energy,
9 Mine and Petroleum Resources represented by the
10 Ministry of Attorney General.

11 THE CHAIRPERSON: Thank you.

12 MS. GRAFF: Good morning, members of the Panel. My name
13 is Elizabeth Graff, last name spelled G-R-A-F-F. I'm
14 counsel for the Province of B.C. And with me today is
15 my client Shannon Craig, who is with the Ministry of
16 Energy, Mining and Petroleum Resources.

17 THE CHAIRPERSON: Thank you, Ms. Graff.

18 MS. GRAFF: Thank you.

19 MR. MILLER: BC Hydro and Power Authority.

20 MS. FERGUSON: Good morning, Commission Panel. My name
21 is Clara Ferguson spelled F-E-R-G-U-S-O-N. I appear
22 for BC Hydro. I have nothing to add to the agenda.
23 I'm happy to address everything at once. Appearing
24 with me is Anthea Jubb from BC Hydro and Amanda Ward,
25 also from -- in-house counsel with BC Hydro.

26 THE CHAIRPERSON: Thanks, Ms. Ferguson.

1 MR. MILLER: Next in the order of appearances is
2 FortisBC.

3 MR. AHMED: Good morning, my name is Tariq Ahmed. The
4 last name is spelled A-H-M-E-D. I appear on behalf of
5 FortisBC Inc. and FortisBC Energy Inc. With me is
6 Dave Perttula from Fortis. I don't have any
7 additional items, though perhaps just I'll -- I'll
8 note that you have a brief comment just about scope
9 that I think can be made with my submissions on the
10 enumerated items.

11 THE CHAIRPERSON: Thank you, Mr. Ahmed.

12 MR. MILLER: Commercial Energy Consumers' Association of
13 B.C.

14 MR. WEAVER: Good morning, Chair, members of the Panel.
15 Chris Weaver, spelt W-E-A-F-E-R appearing for the
16 Commercial Energy Consumers' Association of British
17 Columbia. We have no items after the agenda and we're
18 happy to deal with all matters in one appearance.

19 THE CHAIRPERSON: Thank you, Mr. Weaver.

20 MR. MILLER: Mr. Chair, the next in the order of
21 appearances is the B.C. Old Age Pensioners'
22 Organization. They did send in an email last night
23 indicating they would be here, but I see they're not
24 currently present in the room.

25 THE CHAIRPERSON: Mr. Miller, I think there's someone
26 standing at the back.

1 MS. MIS: Good morning, my name is Irina Mis, last name
2 M-I-S, first initial I. Leigha Worth is not here
3 today, but I represent B.C. Old Age Pensioner
4 Organization, known here as a group of clients BCOAPO
5 for all.

6 THE CHAIRPERSON: Thank you, Ms. Mis.

7 MR. MILLER: Clean Energy Association of B.C.

8 MR. AUSTIN: Good morning, Panel, David Austin, A-U-S-T-
9 I-N, representing the Clean Energy Association of B.C.
10 I have with me this morning Jim Weimer. There's
11 nothing to add to the scope, and we're more than happy
12 to have all the issues dealt with at one time. Thank
13 you.

14 THE CHAIRPERSON: Thanks, Mr. Austin.

15 **Proceeding Time 9:10 a.m. T03**

16 MR. MILLER: The next in the order of appearances is
17 ChargePoint?

18 MR. KEEN: Good morning Mr. Chair, Commissioner Fung,
19 Commissioner Harowitz. My name is Matthew Keen,
20 spelled K-E-E-N appearing for ChargePoint. Likewise
21 we have no items to add to the agenda, and will deal
22 with all issues as they come.

23 THE CHAIRPERSON: Thank you, Mr. Keen.

24 MR. MILLER: Mr. Flintoff?

25 MR. FLINTOFF: My name is Don Flintoff, F-L-I-N-T-O-F-
26 F. I am here to speak to the questions that were in

1 A-40 and I have a few items at the end of the
2 questions that I'd like to discuss.

3 THE CHAIRPERSON: So you will let us know what they are
4 when we get to your submission. Thank you, sir.

5 MR. MILLER: Community Energy Association?

6 MR. LITTLEJOHN: Hi, Dale Littlejohn, executive
7 director of Community Energy Association. Littlejohn,
8 L-I-T-T-L-E-J-O-H-N. We've got nothing to add to the
9 agenda, happy to address everything all at once.

10 THE CHAIRPERSON: Thank you, Mr. Littlejohn.

11 So, I am going to move to the telephone
12 now, and I'll ask for representative from the B.C.
13 Sustainable Energy Association and Sierra Club of B.C.
14 Are you on the phone?

15 MR. ANDREWS: Yes, this is Bill Andrews, I represent
16 B.C. Sustainable Energy Association and Sierra Club
17 B.C. in this proceeding. I am content to address all
18 the issues in the same path.

19 I do have one additional topic to raise,
20 which is will we have confirmation that the Commission
21 has actually made the recommendation to the Minister
22 that was recommended in the first phase of the report?
23 And apart from that I have nothing further to add.

24 THE CHAIRPERSON: Thank you, Mr. Andrews. And to
25 confirm, that recommendation has been made, and Mr.
26 Miller, I don't know if perhaps later in the

1 proceeding, is there any further -- if staff have any
2 further comment they are free to make it, but the
3 recommendation has been made.

4 MR. ANDREWS: Thank you.

5 THE CHAIRPERSON: Pardon me?

6 MR. ANDREWS: Okay.

7 THE CHAIRPERSON: Okay. AddÉnergie Technologies?

8 MR. ALLAN: Good morning Mr. Chair, this is Travis
9 Allan, A-L-L-A-N, for AddÉnergie Technologies. Thank
10 you for allowing me to attend by phone today. I am
11 joined by my colleague, Elizabeth France, in the room.
12 We have no additional submissions on any other issues
13 to be addressed today, and we are fine with
14 considering the issues all at one time.

15 THE CHAIRPERSON: Thank you, Mr. Allan. Siemens?

16 MR. KING: Good morning, this is Chris King, K-I-N-G,
17 with Siemens. We would like to add to the scope under
18 any other comments that may be helpful, technical and
19 payment standards for EV chargers, and their role in
20 public access.

21 THE CHAIRPERSON: Okay. Thank you, sir. So we will
22 ask parties to -- we'll ask you to address that when
23 you come back and other parties will have an
24 opportunity to respond.

25 And the Alliance for Transportation
26 Electrification?

1 MR. JONES: Good morning, Mr. Chairman, this is Philip
2 Jones, J-O-N-E-S, executive director of the alliance.
3 Going by Michael Krauthamer, K-R-A-U-T-H-A-M-E-R, the
4 senior advisor to the Alliance, thank you for allowing
5 me to participate by telephone. We have nothing to
6 add to the agenda, and will respond to questions as
7 appropriate.

8 THE CHAIRPERSON: Great, thank you, Mr. Jones.

9 Track 4

10 **Proceeding Time 9:14 a.m. T04**

11 THE CHAIRPERSON: Okay, Mr. Miller?

12 MR. MILLER: I was just going to check, was there
13 anyone else that wishes to appear that is yet to come
14 to the microphone?

15 It appears there is no one, Mr. Chair.

16 THE CHAIRPERSON: Okay, great, thank you, Mr. Miller.

17 Ms. Graff, are you ready to make your
18 submission? Thank you.

19 **SUBMISSIONS BY MS. GRAFF:**

20 MS. GRAFF: Mr. Chair, members of the panel, before I
21 turn to the questions asked by the panel for the
22 purposes of this morning's procedural conference, I'd
23 like to start by setting out some context for our
24 submissions this morning.

25 As was set out in the Province's
26 evidentiary submission for this phase of the inquiry,

1 the Province and Canada have supported a reduction of
2 emissions from the transportation centre through the
3 Renewable and Low Carbon Fuels Regulation, the
4 Greenhouse Gas Reduction Regulation, the Clean Energy
5 Vehicle Program and infrastructure investments.

6 Now, the Clean B.C. plan builds on those
7 efforts and establishes very aggressive targets for
8 electric vehicle sales in British Columbia. Under the
9 Clean B.C. Plan, a zero emission vehicle standard will
10 be in place by 2020 to increase access to zero
11 emission vehicles across the Province. The standard
12 will require automakers to meet an escalating annual
13 percentage of new light duty, zero-emission sales
14 reaching 10 percent in 2025, 30 percent in 2030, and
15 100 percent by 2040.

16 Achieving these Clean B.C. targets, we
17 submit, will require very significant investments in
18 the electric vehicle charging services across B.C. so
19 as to ensure a robust network.

20 Now, as the panel will be aware, many
21 participants in this inquiry have already noted the
22 important role of non-exempt public utilities such as
23 BC Hydro or FortisBC in the delivery of electric
24 vehicle charging services.

25 The Province very strongly supports
26 investment in electric vehicle charging services by

1 those non-exempt public utilities. And in fact, we
2 submit, achieving the objectives set out in the Clean
3 B.C. plan will very much require investment by those
4 public utilities.

5 Now, the Province has already been working
6 with BC Hydro and FortisBC so as to determine how they
7 can best support the achievement of Clean B.C.
8 targets. The Province further believes that all
9 ratepayers will benefit from investment in electric
10 vehicle charging services by non-exempt public
11 utilities. Therefore, we submit, it would be
12 appropriate for non-exempt public utilities to recover
13 those costs from ratepayers.

14 The Province is currently considering its
15 options so as to achieve these outcomes, which include
16 for instance proposing legislative or regulatory
17 changes. And although no particular course of action
18 has been chosen at this time, the Province intends to
19 move very quickly to achieve those outcomes.

20 **Proceeding Time 9:17 a.m. T05**

21 Now, before I turn to the first question
22 posed by the Panel for the purposes of this procedural
23 conference, I'd like to provide some general comments
24 regarding the scope and the outcomes of the second
25 phase of the inquiry.

26 So, so far in our submission, the inquiry

1 have had a number of beneficial outcomes already,
2 which include, for instance, informing the Commission,
3 government, public utilities and stakeholders on the
4 current fate of the electric vehicle charging market
5 in B.C., as well as on the experience in other
6 jurisdictions with respect to electric vehicle
7 charging services. The inquiry has also informed the
8 recommendations from the Commission to government
9 regarding the regulation of MTE delivering electric
10 vehicle charging services that are not otherwise
11 public utilities.

12 The Province very much appreciates the
13 Panel's efforts in the second phase of the inquiry to
14 fully examine questions relating to the role of public
15 utilities such as BC Hydro and FortisBC in delivering
16 electric vehicle charging services. However, as I've
17 noted already, the province has already reached
18 conclusions relating to that role. And the
19 information collected to date through this inquiry
20 have been valuable in informing and supporting those
21 conclusions.

22 As a result, if the Panel intends to
23 provide recommendations to government of an outcome of
24 this second phase of the inquiry, we submit that there
25 would be little value in the Panel developing
26 recommendations regarding the appropriate role of

1 public utilities in delivering electric vehicle
2 charging services, or in recommendations relating to
3 cost recovery, since the Province has already reached
4 conclusions on those matters.

5 So those, for example, would be the broad
6 topic area that are the subjects of questions or scope
7 items number 1 to 9 identified by the Panel for the
8 second phase of the inquiry. And we submit that since
9 those questions have already been considered by the
10 Province, and the Province has already reached
11 conclusions of its own with respect to those matters,
12 any recommendations from the Panel pertaining to those
13 questions would be of little use.

14 Instead, the Province suggests that the
15 Panel focus its deliberations during this phase of the
16 inquiry on any findings of fact or recommendations
17 that would assist the Province in achieving the policy
18 objective that I spoke of earlier. For example,
19 findings or recommendations related to question or
20 scope item number 14 regarding every the greenhouse
21 tax reduction regulation, could be useful to the
22 Province as it considers possible legislative or
23 regulatory changes so as to achieve its policy
24 objective.

25 Now, in response to the first question the
26 Panel posed for this procedural conference with

1 Further, the answers to many of the
2 questions posed by the Panel for this second phase of
3 the inquiry could very much vary on a case by case
4 basis depending on the particular electric vehicle
5 charging investments that a public utility may wish to
6 make or depending on a particular rate design
7 application. Therefore, without an application to the
8 Commission that proposes specific electric vehicle
9 charging investments or specific rates, we submit that
10 it would be difficult for interveners to present
11 meaningful evidence or argument and it would be
12 equally difficult for the Commission to reach
13 meaningful conclusions.

14 For all these reasons the province submits
15 that any additional evidence is very unlikely to be
16 relevant or of assistance in this phase of the
17 inquiry.

18 We also note that any further regulatory
19 process could delay the outcome of this phase of the
20 inquiry. And as I noted earlier, the province intends
21 to move very quickly to achieve its policy objectives
22 with respect to public utility involvement in the
23 electric vehicle charging market. And the province
24 would very much like to have the benefit of any
25 findings or recommendations from the panel as it moves
26 ahead with that work.

1 Now, in response to the panel's question
2 regarding final argument, the province submits that
3 given the conclusions it has already reached and that
4 given the fact that most interveners have already
5 provided both evidence and argument in their
6 submissions, there simply is no need for a final
7 argument stage in this phase of the inquiry.
8 Intervenors have already made their positions known
9 through their submissions, which answered the
10 questions posed by the panel.

11 Given the nature of the questions posed by
12 the panel, submissions contained both evidence and
13 argument, and this is something that the panel has
14 already noted. Therefore, we submit a final argument
15 process is not necessary. However, should the panel
16 determine that final argument is required, then the
17 province submits that the scope of such final argument
18 should be limited to those matters whose investigation
19 may be of assistance to the province as it works to
20 achieve the policy objectives that I have spoken of
21 earlier.

22 So, for instance, process question for
23 scope item number 14 identified by the panel for this
24 phase of the inquiry could be the subject of further
25 argument with respect to the two amendments to the
26 greenhouse gas reduction regulation. Some intervenors

1 may have some input to provide with respect to the
2 appropriate scope of a prescribed undertaking under
3 that regulation.

4 And generally speaking, submissions on the
5 specific means by which non-exempt public utilities
6 may be involved in the delivery of electric vehicle
7 charging services and submissions on any potential
8 limits to their involvement could be of possible
9 assistance to the province as it develops the means to
10 achieve its objectives.

11 So in short to sum up, our submission is
12 that given the nature of the submissions already
13 received by the Panel in this second phase of the
14 inquiry, no final argument stage is necessary.
15 However, if the Panel determines that it is required,
16 then the scope of such argument should be limited to
17 submissions on the specific means by which to involve
18 public utilities in the delivery of electric vehicle
19 charging services.

20 Now, subject to any questions, those are my
21 submissions.

22 THE CHAIRPERSON: Yeah, thank you. I do have a couple of
23 questions.

24 MS. GRAFF: Okay.

25 THE CHAIRPERSON: So the statements that you've just made
26 regarding the scope or regarding the involvement of

1 public utilities, or at least of Fortis and BC Hydro,
2 you would characterize that as that's government
3 policy, is that correct?

4 MS. GRAFF: Mm-hmm.

5 THE CHAIRPERSON: And is this the statement of government
6 policy or can you direct us to where that policy has
7 been articulated?

8 MS. GRAFF: Well, this certainly is a statement of our
9 policy. If I may quickly ask my client, she is much
10 more familiar with --

11 THE CHAIRPERSON: Thank you.

12 MS. GRAFF: This is our statement of policy.

13 THE CHAIRPERSON: Okay, fair enough. So this is the
14 extent of the articulation of that policy, then. Will
15 there be a further articulation? Will it become
16 enshrined in legislation? Will it become a direction
17 in some way? Or --

18 MS. GRAFF: Again, these are the options that government
19 is currently considering --

20 [*Electronic voice announcement*]

21 **Proceeding Time 9:26 a.m. T07**

22 THE CHAIRPERSON: Excuse me. Sorry, is there an issue
23 with the phone line? Do we still have parties on the
24 phone?

25 MR. ALLAN: Yes, you still have Travis Allan.

26 THE CHAIRPERSON: Okay, is anyone else still on the

1 phone?

2 MR. ANDREWS: Bill Andrews, I'm still on.

3 MR. KING: Yes, we're still on.

4 THE CHAIRPERSON: Okay, and can everyone hear all right
5 on the telephone? That sounds like a no.

6 VOICE: Yeah, it's not great.

7 VOICE: Some of the voices are a bit muffled if they
8 are not near the microphone.

9 THE CHAIRPERSON: Okay, we've turned the volume up on
10 the phone, hopefully that will help.

11 Yes, sorry.

12 MS. GRAFF: Yes, so if I understood your question
13 correctly, what I was about to say is that government
14 is currently looking at all available options to
15 achieve the outcomes that I spoke of. So, government
16 has already determined that it very much wants
17 involvement by non-exempt public utilities in the
18 delivery of electric vehicle charging services. It
19 has also determined that those utilities should be
20 able to recover their costs.

21 Now, as I've mentioned earlier, no
22 particular course of action has been chosen.
23 Government is considering its options, and would
24 certainly benefit from any findings of fact or
25 recommendations that could flow from this particular
26 inquiry.

1 THE CHAIRPERSON: So to use that as an example then,
2 that is a fairly wide open statement that they should
3 recover their costs. Should they recover all of their
4 costs? What costs should be considered recoverable?
5 How should they be recovered, et cetera, et cetera.
6 So what you are saying is that you would like
7 recommendations on answers to those questions?

8 MS. GRAFF: They could certainly be of use, yes.

9 THE CHAIRPERSON: Okay, and things like should there be
10 price regulation of utility services, would you like
11 recommendations on those too? And would you like
12 recommendations on geographic areas that utilities
13 should be involved? Or should they just participate
14 everywhere across the province?

15 MS. GRAFF: Again, I think any recommendations that the
16 panel may reach would be of use in that regard, yes.

17 THE CHAIRPERSON: Okay, thank you.

18 COMMISSIONER FUNG: Yes, Ms. Graff, you in your
19 submissions very clearly stated for the benefit of the
20 panel and everybody else in this room, that it's
21 government's position that there is no value in us
22 asking for submissions or evidence relating to the
23 role of utilities in the EV charging fields, nor with
24 respect to cost recovery, specifically items 1 through
25 9 of the scope as we determined it.

26 Now, I accept that is the government's

1 position, and then you mentioned as well that however
2 with respect to certain findings of fact or
3 recommendations that would assist the government to
4 lay out and achieve its policy objectives as
5 articulated this morning, for example in items 14, the
6 GGRR amendments, you would welcome those
7 recommendations from us.

8 What about the rest of the items that we've
9 set out in the scope? What is your position on the
10 remainder? Do you think that they ought to be
11 canvassed further? Or not?

12 MS. GRAFF: We certainly identified item number 14 as
13 one of possible interest. I think as I've mentioned
14 for some, I unfortunately don't have them all in front
15 of me right now, but for some of these items, as I've
16 mentioned, it may require a specific application to
17 the Commission in order for them to be canvassed in a
18 meaningful way.

19 So, for questions 11 and 12 we would refer
20 to the public utilities in that regard and what they
21 may have to say.

22 THE CHAIRPERSON: So when you say defer to the public
23 utilities, you mean defer to their submissions in this
24 inquiry?

25 MS. GRAFF: Yes.

26 THE CHAIRPERSON: Thank you.

1 COMMISSIONER FUNG: Thank you.

2 MS. GRAFF: Thank you.

3 COMMISSIONER HAROWITZ: I'm a little confused. I hear
4 loud and clear that Victoria's position is if the
5 recommendation was that regulated utilities have no
6 place in this market, you would not appreciate that
7 and would ignore it. My confusion is what happens
8 next? Assuming that that was not, with or without
9 your submission, the conclusion that this panel would
10 reach and the recommendation we would make, but that
11 there would be a recommendation that non-regulated
12 utilities have a role to play. Then the devil is in
13 the details, and as you yourself have said, we haven't
14 figured all those things out yet. "We" being "you
15 folks".

16 The purpose of this inquiry in questions 1
17 through 9, which are otherwise saying, we don't want
18 to hear from you on exactly those things that I think
19 Mr. Morton said, but if we had recommendations at the
20 detailed level around those, you would appreciate it.

21 **Proceeding Time 9:32 a.m. T08**

22 So I am struggling with understanding when
23 you want to wave us off questions 1 through 9, do you
24 mean the big question of "Do non-regulated utilities
25 have a role to play?" Or do you mean even the details
26 around, as Mr. Morton said, questions like, how would

1 stranded assets be recovered or not, rates, who pays,
2 which costs are included, et cetera, which are the
3 things that seem to be inside 1 through 9. So, I am
4 not sure I understand where you're coming from.

5 MS. GRAFF: Okay, so I appreciate your confusion. So I
6 certainly think the intent was to indicate that when
7 it comes to whether or not regulated public utilities
8 should play a role in the delivery of these services,
9 government has already reached a conclusion that yes
10 they very much should.

11 COMMISSIONER HAROWITZ: Your mind is made up?

12 MS. GRAFF: Yes, so any questions that ask that
13 overarching, higher level question, there is no need
14 for any further evidentiary submission or argument on
15 that point, or any recommendations from the Panel on
16 that point. The same goes for the basic principle
17 that cost recovery should be available for those
18 public utilities.

19 Now, when it comes to the specific level of
20 detail, you may well be correct that there are some
21 questions within questions number 1 to 9 that go to a
22 level of detail that could certainly be the subject of
23 further discussion that we may benefit from.

24 So, I apologize if I have been a bit too
25 broad in my identification of the scope items, and I
26 guess the intent is not to have them disregarded in

1 their entirety if there is something within any
2 specific scope item that can be of assistance.

3 COMMISSIONER HAROWITZ: Thank you.

4 COMMISSIONER FUNG: Could I just follow up one question
5 on what you just said?

6 MS. GRAFF: Mm-hmm.

7 COMMISSIONER FUNG: What about constraints that the
8 Panel may feel would be appropriate to impose on the
9 extent of the public utility involvement in this
10 field? Is it appropriate, in Government's view, for
11 us to be making recommendations to government on that
12 issue?

13 MS. GRAFF: I think we are certainly open to hearing
14 from the panel and from intervenors on any potential
15 limits to the extent of the public utilities
16 involvement, or whether they be temporal limits or
17 limits as to dollar value. So that is certainly
18 something we would take into consideration. But
19 again, keeping in mind the overarching policy
20 objective of government, which is to have those public
21 utilities very much involved and to give them the
22 ability to recover their costs.

23 COMMISSIONER FUNG: And would the same go for cost
24 recovery as well? Or not?

25 MS. GRAFF: Yes.

26 COMMISSIONER FUNG: Okay, thank you.

1 THE CHAIRPERSON: Just one final question, please. So
2 as I understand it, you've made it quite clear that
3 you don't feel that this Panel needs any further
4 evidence, but you have agreed that there is evidence
5 that has been presented recently. Would you -- are
6 you also arguing then that that evidence does not need
7 any testing? Doesn't need any -- we don't need any
8 process on the evidence that we have already received?

9 MS. GRAFF: Our submission is that there is no further
10 evidentiary process required, whether it be through
11 information requests or otherwise, and that the
12 evidentiary record is complete.

13 THE CHAIRPERSON: Okay, great. Subject to any further
14 questions? No. Thanks Ms. Graff, appreciate it.

15 MS. GRAFF: Thank you.

16 THE CHAIRPERSON: Good morning.

17 **SUBMISSIONS BY MS. FERGUSON:**

18 MS. FERGUSON: Good morning. BC Hydro's submissions
19 this morning will be fairly brief.

20 THE CHAIRPERSON: Okay.

21 MS. FERGUSON: With respect to the Commission's first
22 question, in light of Ms. Graff's submissions with
23 respect to the Province's policy objectives and its
24 intent to act quickly on those objectives, BC Hydro is
25 of the view that further evidentiary process in phase
26 two of the inquiry is not required.

1 **Proceeding Time 9:36 a.m. T09**

2 And, should the Commission order a final
3 argument phase, BC Hydro is prepared to proceed pretty
4 quickly to final written argument.

5 With respect to the Commission's second
6 question regarding the timing of final argument, if
7 that is the next stage that we move into, BC Hydro,
8 and as Ms. Graff pointed out this morning, agrees with
9 the Commission's observation that so far the
10 submissions have largely been a mix already of
11 argument and evidence, and in light of that I think a
12 fairly efficient process going forward should be
13 achievable.

14 In BC Hydro's view we certainly could be in
15 a position to file argument within three weeks of
16 Commission order. I do recognize that takes us smack
17 into the middle of spring break, which some
18 participants may have issues with, so perhaps five
19 weeks from the day of Commission order would be more
20 appropriate, but we are happy with either timeline.

21 Those are our submissions.

22 THE CHAIRPERSON: Thank you very much. Any questions?

23 VOICE: No, thank you.

24 MR. HAROWITZ: Quick question.

25 MS. FERGUSON: Yeah.

26 MR. HAROWITZ: Do you envision a two-step argument and

1 then response or everybody just in the mix of once and
2 nothing beyond that one submission?

3 MS. FERGUSON: I don't think we have any clear view
4 either way on like what would be most helpful probably
5 to the Commission Panel. I think in Phase 1 everybody
6 filed argument, and then everybody filed replay, that
7 would certainly seem to be appropriate in this phase.

8 MR. HAROWITZ: Okay, thanks.

9 THE CHAIRPERSON: Okay, thank you.

10 MS. FERGUSON: Thank you.

11 THE CHAIRPERSON: Mr. Ahmed?

12 MR. AHMED: Can people on the phone hear all right now or
13 hear it a little better now?

14 MR. ALLAN: Mr. Chair, this is Travis Allan. When the
15 interveners speak it is fairly challenging to make out
16 what they are saying. We can hear the Panel fine.

17 [DISCUSSION OFF THE RECORD)

18 THE CHAIRPERSON: Okay, sorry, that's about as best we
19 can do apparently.

20 COMMISSIONER FUNG: Perhaps we can ask the speakers to
21 speak directly into the microphone too, that would
22 help.

23 THE CHAIRPERSON: Yes

24 COMMISSIONER FUNG: Thank you.

25 THE CHAIRPERSON: Would that be okay, Mr. Ahmed, if --

26 MR. AHMED: As in this microphone here?

1 THE CHAIRPERSON: Directly into your microphone, yeah.

2 MR. AHMED: All right, very well.

3 THE CHAIRPERSON: Yeah.

4 MR. AHMED: Shall I proceed?

5 THE CHAIRPERSON: Yes, please.

6 MR. AHMED: All right.

7 THE CHAIRPERSON: Thank you.

8 **SUBMISSIONS BY MR. AHMED:**

9 MR. AHMED: As I said at the outset, I appear on behalf
10 of both Fortis entities. However, EV charging service
11 is more germane to Fortis BC Inc. as electrical
12 utility than FEI, and for that reason active
13 intervention in this inquiry has been by FBC.

14 With respect to the questions that were
15 asked by the Commission, as far as the record goes, in
16 FortisBC's submission Phase 2 of their inquiry should
17 proceed to final argument. The record has already
18 been well developed through the first phase of the
19 inquiry, which included evidentiary filings and
20 information requests covering topics related to both
21 phases. This was expanded upon with evidence and
22 positions provided by interveners in Phase 2.

23 The Phase 2 filings from the interveners
24 actually grew to a great degree upon materials that
25 were provided in Phase 1, and in my submission this
26 demonstrates that there's likely not much to be gained

1 from further development of the evidentiary record.
2 FortisBC does not see a need for information requests
3 on the Phase 2 evidence, unless the Commission feels
4 itself that there is additional information that it
5 would like to elicit from that evidence.

6 Timeliness and proportionality should
7 inform the procedure of the inquiry and there's value
8 to all stakeholders in the EV charging landscape,
9 including charging service providers and customers in
10 receiving the Commission's determinations reasonably
11 soon regarding the participation of non-exempt public
12 utilities. Public interest in the accelerated
13 adoption of EVs in British Columbia has increased
14 subsequent to the Commission's issuance of the Phase 1
15 report and with the province's recent release of its
16 CleanBC plan, which includes a commitment to establish
17 an aggressive zero emission vehicle mandate.

18 In my submission the Commission does not
19 need to grapple with every potential question and
20 issue that could arise with respect to EV charging
21 service.

22 **Proceeding Time 9:41 a.m. T10**

23 At the procedural conference in phase 1,
24 FortisBC suggested that the BCUC consider a further
25 review in 5 to 10 years to examine how the market has
26 matured. At which time the Commission could re-

1 evaluate the regulation of EV charging station
2 services, including whether the EV charging market in
3 particular sectors has matured enough such that active
4 participation by non-exempt utilities is no longer
5 necessary.

6 With respect to timeline for the subsequent
7 processes I just stated, FortisBC submits that we
8 should move to final argument. I'd propose a timeline
9 of three to five weeks to be given for the parties to
10 prepare final arguments. Similar to my friend Ms.
11 Ferguson, I am cognizant that spring break can be an
12 issue for some, so if the timeline of submissions
13 falls over spring break, perhaps it should be at the
14 longer end. Reply could follow somewhere within the
15 order of three weeks after the exchange of primary
16 submissions.

17 With respect to other matters, my only
18 comment is I just wanted to briefly make a comment
19 about scope. And it is simply that in making their
20 submissions, and the Commission in completing Phase 2
21 may want to consider whether all 14 of the scoped
22 items need to be addressed at this stage. As I said,
23 the primary consideration from FortisBC's perspective,
24 and I imagine many of the other stakeholders, is
25 whether and to what degree non-exempt utilities are
26 going to be permitted to participate in providing EV

1 charging services. And perhaps not all of the
2 enumerated items necessarily need to be addressed at
3 this time. For example, the process to deal with
4 future stranded assets, potentially stranded assets,
5 or the design of wholesale tariffs may be items that
6 can be addressed at a later time, or could be
7 addressed in other proceedings. I don't plan to point
8 to any items right now beyond that, but just simply
9 say that it may not be necessary to reach detailed
10 determinations in those matters, and this may be
11 something that the parties wish to address in their
12 submissions, or the Commission to consider in issuing
13 its next procedural order.

14 Subject to any questions, those are my
15 submissions.

16 COMMISSIONER HAROWITZ: Again I'm a bit confused. And
17 this unfortunately gets a little bit into evidence,
18 because you are suggesting we don't need to know
19 about, for example, stranded assets. Would it be
20 FBC's position that they might engage in building a
21 pipeline or some other significant asset without
22 knowing ahead of time what might happen, stranded
23 assets? Would you make an investment decision on that
24 basis?

25 MR. AHMED: Well, I am reluctant to go too far into
26 evidence, but I think my point more broadly was that

1 perhaps it is enough to say this is an item that can
2 be addressed later on in another process, and perhaps
3 stranded assets aren't the best example, but I think
4 tariffs are a good example of that in that perhaps
5 that is not something that needs to be decided at the
6 end of the Phase 2 process, and perhaps the
7 Commission's determination that it could be examined
8 there.

9 COMMISSIONER HAROWITZ: But I think you get the gist of
10 my point.

11 MR. AHMED: I do.

12 COMMISSIONER HAROWITZ: You wouldn't make a final
13 investment decision without knowing what your remedies
14 are under various scenarios. That would be part of
15 how you would assess whether you would make the
16 assessment and whether it is in the public interest.

17 MR. AHMED: Yes.

18 COMMISSIONER HAROWITZ: So how would you make that
19 investment, albeit on a much smaller scale for a DCFC
20 station, but nonetheless, wouldn't the same rigor and
21 discipline argue that you ought to have at least a
22 generic sense of what that part of the scenario looks
23 like before you move ahead?

24 MR. AHMED: Yes, perhaps some consideration is due.
25 I'd say not to get into it too much, but it is not
26 like every time that there is a CPCN application there

1 is consideration of what would happen to that asset if
2 it becomes stranded. At that time there are processes
3 that are in place to deal with.

4 COMMISSIONER HAROWITZ: Because there are processes in
5 place.

6 MR. AHMED: Precisely. And perhaps it is enough to say
7 that those processes apply with DCFC.

8 COMMISSIONER HAROWITZ: Which begs the question, and
9 should they.

10 MR. AHMED: Yes.

11 COMMISSIONER HAROWITZ: So some sort of --

12 MR. AHMED: There is a circular -- I have to accept
13 that, yes.

14 COMMISSIONER HAROWITZ: There we go, thank you.

15 THE CHAIRPERSON: Thank you, Mr. Ahmed.

16 MR. AHMED: Thank you.

17 THE CHAIRPERSON: Mr. Weafer.

18 **SUBMISSIONS BY MR. WEAFER:**

19 MR. WEAFER: Given the comments before me, I'm going to
20 ad lib a little bit to start. There is a famous film,
21 an Inconvenient Truth, which speaks to environmental
22 change, and the CEC accepts that that is a significant
23 issue to be assessing. But it is also an inconvenient
24 truth that this Commission has to look after the
25 interests of ratepayers, and we represent ratepayers.

26 **Proceeding Time 9:46 a.m. T11**

1 And we've just turned a policy from the government by
2 its common shared. And first of all, I want to
3 acknowledge the government's efforts to put the policy
4 position before the Commission, and I want to
5 acknowledge that they are attempting to be transparent
6 about where they're going. Unfortunately it wasn't
7 the policy when we started this proceeding. We took a
8 position with respect to exempt utilities which is
9 looking like to be an uphill battle. But we now have
10 a position which says they're going to participate.

11 So the issue becomes how, at what risk, at
12 what cost to ratepayers, and what risk of stranded
13 investment. Those issues are material, and they are
14 material to us now, and they will be material to
15 ratepayers in the future.

16 The last time the government took a policy
17 to this Commission to create an industry was the IPP
18 sector. This government has taken significant concern
19 with the costs of that policy decision today. So I
20 just would caution the room that these costs are
21 either borne by taxpayers, or ratepayers. And we are
22 not sure ratepayers are the right party to take them.

23 With respect to the questions of the
24 Commission, the CEC submits there is an evidentiary
25 record to proceed. What would assist the CEC, and I
26 think it's supported by the position the Commission is

1 in right now, which it has policy directions, but it's
2 not sure it has policy directions. What would assist
3 the CEC and I think other parties, is if the Panel
4 issued a strawman, or its positions on the evidence it
5 has received to date, providing parties an opportunity
6 to supplement whether it was their argument or their
7 evidence, but try to provide some more perspective to
8 the Commission. And I say particularly from a
9 ratepayer's perspective, if this is the path we are
10 going down.

11 And I would submit that that would enable
12 the Panel to request more specific direction from the
13 government on policy, because right now you don't have
14 that direction in my respectful view. You've got
15 legislation which requires you to regulate in a
16 certain way, and now we've got the imposition of a new
17 approach to an emerging industry in British Columbia.
18 And in fairness to you, I don't think you've got a
19 clear picture.

20 So, in that step it would enable the
21 government to I submit more clearly put forward its
22 policy positions. We've been told this morning they
23 are imminent, and there is some urgency to it. That's
24 great, let's get on with it. But to be doing this
25 report in a vacuum I submit is a challenge to you, and
26 a challenge to the intervenors. We don't think it

1 would take that much time to do that, nor would it
2 take much time to make submissions, but we don't have
3 specific submissions on timing. We will accommodate
4 whatever timing suits the Commission in terms of
5 turnaround of the submissions.

6 Those are my submissions.

7 THE CHAIRPERSON: Mr. Weafer, I'll just ask you a
8 question. I am kind of thinking out loud here. So it
9 is not I will admit a well thought through question,
10 but given your submission, your acknowledgment of
11 urgency and your feeling that there needs to be some
12 further process of some sort, at least that is what
13 I'm sensing from you, would you see any benefit in
14 something interactive? A workshop perhaps? Or some
15 sort of a streamlined procedure?

16 MR. WEAFER: We are happy to find any efficiency the
17 Panel wishes to find. The CEC got a haircut in the
18 first phase of this. We are not the ones -- in terms
19 of its PACA funding, we are not the ones who want to
20 extend the process, I want to be very clear on that.
21 We want to be efficient and effective. We just find
22 ourselves in a bit of a policy vacuum, and you in a
23 policy vacuum, and let's be transparent, let's get
24 what you are supposed to be doing from the government,
25 and let's make submissions on that basis, opposed to
26 be guessing.

1 **Proceeding Time 9:50 a.m. T12**

2 So with a strawman approach our thought --
3 let me just take a step back. Typically in these
4 processes we're responding to a final argument, so
5 we've got a document we're reacting to. We don't have
6 that, we have the Commission's questions in stage two.
7 And you've now received a fair bit of evidence. It
8 would be helpful to get some perspective from the
9 Panel as to where it's going on those topics and if
10 they want any supplemental comment where people may
11 have taken a different position than what the
12 Commission has found on the preliminary finding.

13 So we're just -- we wrestling with this.
14 We're not sure what we're responding to, and so a
15 process -- and if a streamline review process would
16 assist -- this is about assisting the Panel. If a
17 streamline review process would assist the Panel we
18 would absolutely be happy to participate in that.

19 THE CHAIRPERSON: Okay, thank you. Thank you, sir.

20 BCOAPO?

21 With apologies to the people on the phone,
22 we just moved a table closer to a microphone.

23 Hopefully that will help. Okay.

24 **SUBMISSIONS BY MS. MIS:**

25 MS. MIS: So one of the questions from the Commission was
26 whether the evidentiary record is adequate. And the

1 response to this question depends largely on whether
2 the Commission sees if Phase 2 report is providing
3 definitive answers with respect to the issues raised
4 or in many cases providing a framework within which
5 the specifics regarding the questions posed would be
6 addressed in future applications by non-exempt
7 utilities.

8 In our opinion if the Commission looks for
9 framework, the evidentiary record is likely sufficient
10 as is. But if the intent of the report is to provide
11 definitive answers, then additional details will be
12 needed. In our opinion the current record is not as
13 robust as we thought it was going to be given that
14 some parties elected to file argument rather than
15 evidence, and we would prefer to see more evidence
16 regarding practices in other jurisdictions on the
17 record.

18 We're specifically interested in policies
19 issued by other utility commissions in other
20 jurisdictions on the same subject. For example, in
21 Washington State, Washington Utility Commission issued
22 very elaborative policy on the same subject. And some
23 policies were issued by Arizona Utility Commission.
24 And I assume there is more of that, we didn't see them
25 on the record.

26 And this seems to be an opportunity for the

1 Commission to engage maybe an outside party to do some
2 kind of survey or summary of these jurisdictions to
3 determine whether those structures or policies would
4 be appropriate in the B.C. market. And a report can
5 be prepared for all interested parties to review.

6 Given the vested interest of the various
7 parties participating in these proceedings, it would
8 be inappropriate to rely on one single party to
9 prepare such a report. And it will represent a
10 duplication of efforts if all parties were permitted
11 to prepare such a report.

12 An alternative if the evidentiary record is
13 deemed to be complete, the Commission asks whether
14 Phase 2 can move to final argument. Given the lack of
15 consensus on many of issues the whole process would
16 likely benefit if parties had the opportunity to
17 explore but via information requests the positions and
18 views expressed by others similar to the approach used
19 in Phase 1. This would also afford parties the
20 opportunity to explore the relevancy and details of
21 references that have been made to practices and
22 experience elsewhere and serve to help address any
23 concerns regarding the nature of the evidence provided
24 to date.

25 With respect to whether final argument is
26 even need, we disagree that it's not needed. Because

1 like the Utilities Commission didn't ask to date any
2 argument and party who chose to submit argument it was
3 just their choice. We did not submit anything so far
4 in these proceedings because the Commission asked for
5 evidence, but we didn't have evidence so we did not
6 submit any read-in submissions, so we would like the
7 opportunity to submit final argument of course in
8 these proceedings.

9 With respect to timing, given the number of
10 parties that had made submissions and number of issues
11 on which the Commission is seeking input, in our
12 opinion the Commission should be generous in its time
13 allowance for any next steps. Because we involve our
14 consultant on this matter and he is also very
15 constrained on time and currently he is busy with
16 other application. He requested some time for
17 reviewing everything on this record.

18 **Proceeding Time 9:56 a.m. T13**

19 For us specifically April 6 to 13 would be
20 difficult to accommodate, due to our executive
21 director will be out of country at this time.

22 Subject to any questions, those are my
23 submissions.

24 THE CHAIRPERSON: Sorry, could you just go over the
25 last few sentence. So you are saying you have a
26 consultant, and you have an executive director,

1 neither of which are available and need more time to
2 prepare final argument? Is that what I understand?

3 MS. MIS: Our executive director won't be in the
4 country from April 6 to April 13.

5 THE CHAIRPERSON: April 6 to 13?

6 MS. MIS: Yes, and our consultant is very busy in
7 March. He mentioned that March is very busy month for
8 him.

9 THE CHAIRPERSON: Okay. So what is your suggested date
10 for -- if we move directly to final argument, what is
11 your suggested date?

12 MS. MIS: Maybe second half of April.

13 THE CHAIRPERSON: Okay, and if we don't, if there is
14 further evidentiary phase, we can move ahead with that
15 immediately?

16 MS. MIS: Yes.

17 THE CHAIRPERSON: Okay. Thank you. Any further
18 questions?

19 COMMISSIONER FUNG: Sorry, Ms. Mis, just one question.
20 Why are you submitting that IRs are appropriate given
21 what you've just said which is that much of what we've
22 received by way of evidence actually is argument
23 already in this Phase 2?

24 MS. MIS: Thank you for this question. It is just as a
25 thought. That if, for example, our initial position
26 is we need more evidence, but if the Commission will

1 decide that no more evidence should be allowed, then
2 next step we don't think that we are ready for final
3 submissions. It should be at least IRs, in the sense
4 that we can ask some details or questions.

5 COMMISSIONER FUNG: Okay, that's fine, thank you.

6 THE CHAIRPERSON: Thank you, Ms. Mis.

7 Mr. Austin?

8 **SUBMISSIONS BY MR. AUSTIN:**

9 MR. AUSTIN: The Clean Energy Association of B.C.
10 appreciates the difficulty that the government has now
11 put the BCUC in with respect to these proceedings.
12 Before I get into further details with respect to
13 that, I would just like to respond to the Commercial
14 Energy Customers in a suggestion that somehow there
15 was major mistakes made in the creation of an IPP
16 industry. The record clearly shows that that is not
17 the case. Most of the agreements between independent
18 power producers and BC Hydro were approved by this
19 Commission subject to regulatory proceedings that the
20 Commercial Energy Customers participated in.

21 With respect to EV charging, the Clean
22 Energy Association of B.C. agrees with the comments of
23 almost all the Commissioners that the devil is in the
24 detail. We are now dealing with a completely
25 different set of circumstances. In that respect, the
26 record that we now have is essentially useless.

1 absorb that?

2 The next thing that comes to mind is,
3 interconnections. And I know this is a very mundane
4 and potentially trite subject for most people in this
5 room, but if you've ever tried to interconnect to the
6 BC Hydro system, then you will find that it is
7 horribly expensive, very time consuming, and very,
8 very difficult.

9 So, you have the situation, and I mentioned
10 BC Hydro, I don't know what the situation is with
11 Fortis, but you have the public utility saying that it
12 wants to put in an EV charging station. And will the
13 doors magically open with respect to interconnection
14 for it, whereas the private sector is going to
15 struggle with the interconnection procedures that BC
16 Hydro has created over the years for the likes of the
17 private sector. These are some of the things that
18 have to be taken into account.

19 The next thing that would come to mind is,
20 is Fortis going to be allowed to build and operate EV
21 charging stations in BC Hydro's service territory?
22 And/or is BC Hydro going to be allowed to build EV
23 charging stations in Fortis' service territory? If
24 you are trying to establish a network of charging
25 stations across British Columbia, and have the concept
26 of customer loyalty, well then presumably you would

1 want to have EV charging stations province wide, as
2 opposed to just in your service territory.

3 We've made light of the fact in our
4 submission that if you are having an EV charging
5 station and having somebody at that station for 35
6 minutes, 25 minutes, whatever that is, then presumably
7 you are going to want to operate like the gas stations
8 in this province do, and provide additional services
9 in the form of snacks, beverages and whatever. Are BC
10 Hydro and Fortis supposed to go into this business?
11 Or are they supposed to be contracting that out?
12 Those are the kinds of devils in the details that have
13 to be worked out.

14 With respect to further process, I am at a
15 loss to suggest anything at this point in time,
16 because we don't know what level of detail the
17 province has gotten to in its thinking with respect to
18 allowing regulated public utilities into the EV
19 charging business in a major way. If we knew that,
20 then perhaps we could make some sensible contributions
21 to what net process might follow next.

22 There are lots of devil in the detail to
23 consider, but we don't know what they are, because all
24 we have this morning is a general pronouncement, so to
25 speak, of the fact that regulated public utilities
26 should be allowed into the EV charging business.

1 Fine. Understand that. But then there are all the
2 next steps that have to be worked out. And I am
3 particularly concerned about whether the regulated
4 public utilities have to come forward with a business
5 case to the B.C. Utilities Commission before they
6 proceed. If they don't do that, then we are really
7 going to be scrambling to sort the details out because
8 we won't know what they are.

9 **Proceeding Time 10:05 a.m. T15**

10 In terms of the adequacy of the record
11 today, I've made the point that as far as I'm
12 concerned, and the Clean Energy Association of B.C. is
13 concerned is, the public record today, unless you know
14 exactly what the government is thinking and what level
15 it is thinking at, is pretty much useless. You might
16 be able to see a point here, or a point there in this
17 submission, a point there. All interesting, but
18 points in relation to what?

19 Subject to your questions, I have no
20 further submissions.

21 THE CHAIRPERSON: Questions?

22 COMMISSIONER FUNG: I have a question, Mr. Austin.

23 What do you think about Mr. Weafer's suggestion of the
24 Panel putting forward a strawman model for comment?

25 Do you think that would be enough?

26 MR. AUSTIN: That would be all well and good if you

1 knew what your strawman was supposed to be protecting
2 against. Is it protecting against crows? Is it
3 protecting against buzzards? What sort of bird are
4 you protecting against? How can you put together a
5 strawman unless you know in sufficient detail what the
6 government's position really is?

7 COMMISSIONER FUNG: Thank you.

8 THE CHAIRPERSON: Thank you Mr. Austin, much
9 appreciated.

10 ChargePoint?

11 **SUBMISSIONS BY MR. KEEN:**

12 MR. KEEN: Thank you, Mr. Chairman. I am in the semi-
13 happy position of being able to tear up half of my
14 notes and my handouts. So please bear with me as I
15 move back and forth between what I intended to say and
16 what I need to say in response to what we've heard
17 this morning.

18 But let me start by providing a few words
19 about who my client is to frame these submissions and
20 understand where they are coming from, for both the
21 benefit of the people in the room, those on the phone,
22 and the record ultimately.

23 As you may recall from Phase 1, ChargePoint
24 operates the worlds largest EV charging network. It
25 has more than 60,000 independently owned public and
26 semi-public charging spots. And that includes over

1 1,000 public and semi-public charging spots in B.C.

2 ChargePoint sells smart, networked charging
3 station equipment to entities who then own and operate
4 charging stations on their properties. Further, for a
5 subscription, ChargePoint provides network services
6 and data driven and cloud enabled capabilities. What
7 does that mean? That means that those services allow
8 charging station owners, independent owners and
9 operators to better manage those charging station
10 assets and optimize services provided to the public.

11 COMMISSIONER HAROWITZ: Sorry, can I interject with
12 just one clarification question?

13 MR. KEEN: Certainly.

14 COMMISSIONER HAROWITZ: 60,000 sites or nozzles, when
15 you said "we are over 60,000?"

16 MR. KEEN: I think we are talking about sites, as
17 opposed to say three nozzles at a site.

18 COMMISSIONER HAROWITZ: Yeah, okay, thanks. I'm not
19 going to hold you to it, I was just curious, thank
20 you.

21 MR. KEEN: If the number changes materially we will
22 make a correction on the record.

23 In terms of the BC policy environment, the
24 CleanBC Framework as we've heard today, it sets out a
25 very ambitious plan for greenhouse gas reductions and
26 transportation electrification. ChargePoint obviously

1 strongly supports those policy goals. And achieving
2 them will require significant investment from all
3 parties. And here today in the room, on the phone, we
4 have got competitors and colleagues. We have BC
5 Hydro, FortisBC, Greenlots, AddÉnergie, Siemens. In
6 Phase 1 we also saw Tesla quite a bit. So there is a
7 clear collective commitment to the province's
8 transportation electrification objectives. All of
9 those organizations, including ChargePoint, are
10 investing in B.C.

11 **Proceeding Time 10:10 a.m. T16**

12 They have staff and boots on the ground. That fact
13 and the diversity of service offerings, the diversity
14 of station hosts, shows that you have a growing and
15 competitive electric vehicle charging market, and
16 that's an important thing I think to bear in mind as
17 you move forward.

18 So there are two things that we intended to
19 speak to today. One was a request for a timely, quick
20 decision to provide investment certainty to the EV
21 charging market. I think this morning we have that,
22 and so that's the first half of my notes that I'm
23 going to toss out. There are I think some other
24 comments that I'll make in response.

25 ChargePoint supports an active role by non-
26 exempt public utilities in the EV charging market, to

1 be very clear. But ChargePoint also supports a role
2 for the Commission in maintaining oversight so that
3 the competitive market is not harmed and is allowed to
4 grow and become even more mature.

5 As part of that a Commission articulation
6 of appropriate investment criteria would be very
7 useful and we would recommend having a look at our
8 Phase 2 evidence, pages 7 to 8, that's Exhibit C25-12,
9 for things that the Commission should think about to
10 the extent that it receives and is able to adjudicate
11 applications either on the rate side or the facility
12 side from any public utilities that it has oversight
13 of.

14 We agree with what we heard earlier this
15 morning that a lot of the devil is in the details. We
16 were going to say this morning that a lot of the
17 issues that were canvassed in those Phase 2 questions
18 you posed, I think 25 questions and sub-questions, a
19 lot of that does belong in utility specific
20 applications.

21 And the second thing that we would propose
22 -- and this is conditional on what ultimately emerges
23 from government, the second thing we would propose is
24 an approach that's been tried in other jurisdictions
25 and that has been referred to as a common docket.
26 Maryland and California are quite good examples of

1 that, where you would have multiple public utilities
2 investing in EV charging infrastructure, developing EV
3 rate design, applying at the same time and in the same
4 proceeding. And so you would have -- that's just
5 process efficiency, and so parties are able to
6 prepare, contrast, make submissions in response to
7 what they see.

8 And an analogy closer to home for that sort
9 of thing would be the generic cost of capital
10 proceedings that this Commission has held, the NEB has
11 held, you got an automatic adjustment mechanism
12 process that's reviewed consistently. The Alberta
13 Utilities Commission likewise has proceedings like
14 that. You've got multiple regulated players in a
15 common proceeding and everybody gets to get together
16 and do things all at once.

17 So, given we're here this morning. Subject
18 to any questions those are my submissions.

19 THE CHAIRPERSON: Thanks you, MR. Keen.

20 MR. KEEN: Thank you.

21 THE CHAIRPERSON: Mr. Flintoff?

22 **SUBMISSIONS BY MR. FLINTOFF:**

23 MR. FLINTOFF: Good morning. I am in the same position
24 as a lot of the other speakers. We had some news this
25 morning about policy, and options, and undefined
26 policy desired by the Ministry to impose a scope on

1 the proceeding, all of which is interesting and leads
2 to a quandary, where do we go from here? The inquiry
3 perhaps should be suspended until the policy
4 statements and everything from the government have
5 been circulated to those involved in this inquiry,
6 from a process point of view that's what I'm thinking.

7 I answered the questions, but I don't know
8 how relevant my answers are now. Can we proceed to
9 final argument? I believe we can on the condition
10 that the regulatory framework is decided. And this is
11 going to the fact as to whether it's a prescribed
12 undertaking or not, but as we heard this morning that
13 may have already been decided. I don't know.

14 **Proceeding Time 10:14 a.m. T17**

15 The original inquiry had two components, a
16 regulatory framework and a rate to be established. As
17 far as we know we haven't got into the rates and that
18 takes us to another point that was raised, I believed
19 by Mr. Weafer, whether a CPCN-like process should be
20 established to look at the risk of stranded assets and
21 these costs that the ratepayer will have to bear, I
22 believe, because of the regulatory compact. It's
23 going to be very difficult for a public utility such
24 as Fortis or BC Hydro not to -- like they can almost
25 recover all their costs, and listening to the Ministry
26 this morning it sounds like the intent is for them to

1 recover all costs.

2 So the ratepayer is going to bear any risk
3 of a failure of a station in a location or it's going
4 to have stranded assets whose costs will be passed
5 down to the ratepayer.

6 As far as the maturity level, I think the
7 L1 and L2 stations have quite clearly developed in
8 B.C. They're at least at the developmental stage.
9 It's the Level 3 station, the DCFC as it's called,
10 it's just starting and that's what I believe this
11 inquiry's about.

12 We have, from legislation, the *Clean Energy*
13 *Act* and the Greenhouse Gas Regulation, although we
14 still haven't got a regulation to say that these DCF
15 stations are a prescribed undertaking. That's not
16 clear. I think that's what part of the debate's about
17 and I was hoping the Ministry would clear that up, but
18 it hasn't. It's talking about a vague policy.

19 When we get into the rates I think the
20 Commission has to decide what the rates are for urban
21 and rural or *en route* as it's called in some of
22 papers. There as a Marcon paper presented in a
23 footnote by Hydro which sort of leads you down the
24 path of setting rates, which I think is a good
25 document.

26 The other matters that I come up with is --

1 and this is before I heard the Ministry -- considering
2 BC Hydro's outstanding debt, who should take the risk?
3 Should it be the ratepayer or the taxpayer?

4 You know, I've gone to Tesla and a friend
5 of mine bought a Tesla. Nice price, \$72,000 You
6 know, that's not the average man's car. I believe
7 that the people that are doing the long commutes are
8 probably going to be driving gas engines for a while,
9 if those are the price of the vehicles.

10 And this leads me to the thought that the
11 ratepayer, who includes everybody, is not separated by
12 income and there should be an income separation as to
13 who pays and it should -- they're using BC Hydro as an
14 indirect tax vehicle, in my eyes.

15 The issue of safety, I believe it was a
16 prescribed undertaking it removes the Commission from
17 oversight, except for setting rates. I believe safety
18 is probably best left with the Technical Safety BC
19 group and that can be achieved maybe through a
20 memorandum of understanding of all parties because the
21 utilities are exempt, public utilities.

22 And I think in the rates we need to address
23 the loss of fuel tax or road tax or whatever you wish
24 to refer to it as, by taking electricity, how do we
25 recover these costs as more and more vehicles to
26 electric? I think Washington State has already shown

1 we are ready to move forward.

2 The small municipalities, mid-sized ones,
3 would like to move forward quickly and resolve the
4 uncertainty in the market. We are currently dealing
5 with a good number of communities along Highway 16
6 that are very eager to be able to have the same
7 choices for their residents and businesses as the rest
8 of B.C., as well as to drive the economic development
9 benefits. And that really is where the DCFC comes in,
10 is providing that EV tourism capacity. And I don't
11 think we need to worry about utilities providing
12 convenience stores. The DCFCs should be driving local
13 economic development and existing ones.

14 We, as for the third question, we just
15 encourage the province and the Commission to regulate
16 wisely. We are looking at a \$10 million question,
17 really, if we are looking at 100 DCFC stations at
18 about 10k a pop, that is about 10 million. So,
19 recognizing the scale, and also the timeline, because
20 we are looking at -- I think there is general
21 consensus that it's an evolving market, so that we
22 don't necessarily have to regulate for the next 50
23 years, but at least the next 5 or 10 years.

24 We also recognize that EV charging is often
25 used as kind of the catch-all phrase to encompass a
26 whole bunch of different elements and pieces. Not all

1 of which need to be regulated in the same way. And
2 just for clarity, repeating our submission, the four
3 services that we see are in terms of deployment,
4 electrical service extension, and there can be
5 different ways to manage that and ensure that there is
6 the ability to create the space for DCFC, both for
7 private sector DCFC providers as well as for the
8 multi-unit residential folks who want to retrofit and
9 are faced with extremely significant financial
10 challenges on that. There is also the deployment of
11 the DCFC equipment by the non-exempt utilities, which
12 to date there has been a lot of participation by the
13 federal and provincial government with grants in that.
14 And there can be questions around exactly how those
15 capital costs are recovered, which is a little
16 different than the service extension costs.

17 Separately from that there is also in the
18 sustainment side, maintaining a functional B.C. wide
19 DCFC network, to enable that comfort for the EV
20 driving community to be able to move, which then
21 drives the local economic development benefit which
22 the local benefits are interested in.

23 THE CHAIRPERSON: Mr. Littlejohn, I think you are
24 straying a little bit into arguing the issues here.
25 Can you tie it back to whether we need more process or
26 not? Or what the scope should be please?

1 MR. LITTLEJOHN: I don't think we need more process.
2 As long as we are moving forward on DCFC and possibly
3 the multi -- or the high density level 2, and
4 recognizing that there is multiple aspects to EV
5 charging that the Commission or the province could
6 choose to regulate differently.

7 THE CHAIRPERSON: Okay. Thank you.

8 I am going to turn to the people on the
9 telephone now. Do we still have Mr. Andrews?

10 **SUBMISSIONS BY MR. ANDREWS:**

11 MR. ANDREWS: Hello. Yes, this is Bill Andres speaking
12 for the B.C. Sustainable Energy Association and Sierra
13 Club of B.C.

14 In one sentence I am going to say that the
15 Sierra Club and BCSEA support an active role by BC
16 Hydro and FortisBC in DCFC EV charging. But that's
17 all I'm going to say about the substance of the
18 issues. And I think that a lot of the discussions so
19 far has actually be involved in the substantive issues

20 **Proceeding Time 10:25 a.m. T19**

21 I was going to say that regarding questions
22 1 to 11 and question 14, that the evidentiary record
23 is adequate and should go to final argument. My
24 qualification on that now is that the Ministry of
25 Energy has apparently indicated that certain decisions
26 have been made and I think it is essential that the

1 panel have before it a written statement from the
2 Ministry as to exactly what decisions have been made,
3 and presumably under what authority and so on.

4 Apart from that, I think that my comments
5 hold that I think that the evidentiary record is
6 adequate and these things should go to final argument.
7 I disagree with the suggestion that there should be
8 information requests on other parties' views. I think
9 we've had sufficient exposure to other parties' views
10 and I agree that time is of the essence and there
11 would be a point of diminishing returns if we were to
12 extend the process further, acknowledging that there's
13 always more information that would be ideal.

14 I strongly disagree with the Ministry of
15 Energy's suggestion that there should be no final
16 argument, and I'll leave it at that.

17 In terms of question 11 and 12, BCSEA and
18 Sierra Club have no evidence that they want to file
19 regarding question 11, which is the question whether
20 there's a need for a specific tariff or wholesale
21 provision of electricity for the purpose of EV
22 charging. And my submission is that that question is
23 ripe to go to argument.

24 However, question 12, if so, if there is to
25 be such a tariff, what should be its design, and in my
26 submission clearly there is not an evidentiary record

1 on which to establish the elements of a rate tariff,
2 so I would just make that comment. And to a certain
3 extent that may be what parties wish to address in
4 their final argument.

5 Regarding section 13 and the technical
6 safety issues, again, my clients don't have evidence
7 that they wish to put before the Panel on that topic.
8 I would comment that it isn't clear whether the record
9 is entirely sufficient for the Commission to make the
10 final determination on that topic. So my clients'
11 perspective, that should not be something that slows
12 down the outcome of the important other issues that
13 are before the Panel at this point and I take no
14 strong position on how the Commission should proceed
15 on that specific issue.

16 In terms of the timing of submissions, as I
17 mentioned, I think that there should be a filing from
18 the Ministry of requests by the Panel and presumably
19 that would not take a long time to prepare because the
20 topic would be decisions that have been made already.
21 After that I agree with the suggestions that there be
22 a two-step process for the receipt of arguments.
23 Three to five weeks is roughly appropriate and I take
24 no position on the more intricate details of the
25 timing.

26

Proceeding Time 10:29 a.m. T20

1 For the second round for the reply, from my
2 clients' point of view two weeks would be adequate,
3 but I acknowledge that there may be parties that
4 require longer than that.

5 And subject to questions, those are my
6 submissions.

7 **THE CHAIRPERSON:** Thank you, Mr. Andrews. With regard to
8 your suggestions to government to provide some further
9 written material I would -- first of all I'd invite
10 Mr. Graff to address that on reply, and would add it
11 would also be helpful to the Panel if we had an
12 understanding of whether the policy that you
13 articulated this morning is going to become further
14 developed, and if so, how and what timeframe so that
15 we get some understanding of the timing of this
16 proceeding with regard to further government action.
17 But I have no other questions of Mr. Andrews.

18 So thank you very much, Mr. Andrews,
19 appreciate that.

20 And Mr. Allan, are you still on the line?

21 **SUBMISSIONS BY MR. ALLAN:**

22 **MR. ALLAN:** Yes, I am, Mr. Chair. So thank you and I'd
23 like to start by thanking the province for advising us
24 of this important policy decision. AddÉnergie
25 acknowledges that at any time during the course of
26 this processing it was of course open to the province

1 to pass new legislation, regulation, or other
2 guidance. And while we acknowledge many of the
3 interveners noting some surprise today, we also
4 appreciate that the province has decided to make sure
5 that the outcome of any decision by the Commission in
6 this proceeding is as useful as it can be in the
7 context of the development of EV charging in British
8 Columbia.

9 In our view, these proceedings have been
10 open, extremely well done by the Commission, and
11 comprehensive. And while the Ministry's announcements
12 during today's proceedings may effectively narrow the
13 scope of the Commission's ultimate report for review
14 issues from the table were changed slightly how those
15 issues are addressed. We don't believe it has added
16 new questions or created anything that would require
17 further effort -- evidence to be introduced.

18 And so, like many of our colleagues, at
19 this point take the position that the evidentiary
20 record should be closed and that we can proceed to
21 whatever step of the proceeding the Commission deems
22 relevant, which could include final arguments in the
23 form of a reply. And our recommendation is that we
24 move forward expeditiously, not only because of the
25 importance of moving forward in British Columbia, but
26 because I think many other jurisdictions in Canada are

1 watching for the B.C. Utilities Commission's position
2 in this case, and so it would be very useful for the
3 rest of Canada I think to have some advice, or
4 determination, or findings of fact from the Commission
5 in this proceeding.

6 We don't have specific submissions on the
7 timing, but we will participate in any way the
8 Commission requests and we will find a way to make any
9 timings work that the Commission sets down.

10 And unless there are any other questions
11 that will conclude our submissions.

12 THE CHAIRPERSON: No further questions. Thank you, Mr.
13 Allan.

14 Mr. King?

15 MR. KING: Hi.

16 THE CHAIRPERSON: Hi.

17 MR. KING: Good morning.

18 THE CHAIRPERSON: Good morning.

19 **SUBMISSIONS BY MR. KING:**

20 MR. KING: And thank you for allowing me to participate
21 by phone. So I'm Chris King, I'm global chief policy
22 officer for the Siemens Digital Grid business. We
23 offer a wide variety of EV charging products and
24 services and have shipped close to 150,00 EV chargers
25 globally.

26 Our interest here is promoting overall EV

1 and their technical expertise in determining which
2 actual specific standards to utilize.

3 So, quickly, regarding technical standards,
4 the issue is whether to adopt industry accepted open
5 standards for communicating data between EV chargers
6 and the back-end market system or the cloud. The
7 question here is whether or not EV chargers are
8 inherently dependent on proprietary communications or
9 whether they're in fact interoperable.

10 THE CHAIRPERSON: Mr. King. Excuse me, Mr. King,
11 sorry.

12 MR. KING: Sure.

13 THE CHAIRPERSON: It seems as if you're making a
14 submission on your evidence and I wonder if you could
15 tie this back to the procedural issues that we're
16 trying to deal with here about whether we need further
17 process or what process we need.

18 MR. KING: Yeah, I was going to get to those questions.

19 THE CHAIRPERSON: Sure.

20 MR. KING: But I can jump ahead if you'd like.

21 THE CHAIRPERSON: Thank you.

22 MR. KING: I just did want to highlight some of the key
23 reasons for these open standards and of course our
24 conclusion is that we recommend they be addressed in
25 the proceeding.

26 So regarding Question 1, we do believe the

1 evidentiary record is adequate. You can always
2 collect more data, but there were 18 robust filings
3 here with a wealth of information. We think they do a
4 good job of addressing the issues identified in the
5 scope and we're comfortable at this point going ahead
6 and proceeding to final argument.

7 And then on the timing we would almost say
8 that we would urge the commission to move quickly
9 given the market need for the charging infrastructure
10 and the benefits that are available as we've submitted
11 in our submission. Each EV provides over \$2300 in
12 benefits to non-participating ratepayers over a 10
13 year life.

14 So we have no specific suggestions on the
15 timetable for that.

16 THE CHAIRPERSON: Okay.

17 COMMISSIONER HAROWITZ: So you, if I may -- this is
18 Howard Harowitz, who you can't see. The question
19 about putting standards into the level of policy as
20 opposed to a subsequent detail and your submission is
21 that in that area as well, if the Panel were to take
22 your guidance, that is at a policy level, you believe
23 that the evidence is complete on that issue and that
24 therefore that also is amendable to just going
25 straight to argument? I just want to make sure that
26 that's how you connect those two dots.

1 MR. KING: Yes, we do believe that.

2 COMMISSIONER HAROWITZ: Okay, thank you.

3 THE CHAIRPERSON: Okay, great. Thank you, Mr. King.
4 Mr. Jones?

5 MR. KRAUTHAMER: Hello. Yes, this is Michael
6 Krauthamer speaking for Mr. Jones.

7 THE CHAIRPERSON: Hello Mr. Krauthamer. Please go
8 ahead.

9 **SUBMISSIONS BY MR. KRAUTHAMER:**

10 MR. KRAUTHAMER: Thank you very much and thank you for
11 this opportunity to participate. The Alliance for
12 Transportation Electrification is very encouraged by
13 all the work that the Commission has undertaken,
14 including all of the robust process to date and we
15 believe that at this point the Commission should move
16 quickly to conclude the process and authorize utility
17 investment.

18 While some of the record has already become
19 pre-empted admitted by subsequent events, there was
20 bound to be some degree of uncertainty in any event
21 because this is such a new area for the industry.
22 But the risk is not stranded assets and the risk is
23 not having a complete record. Instead the risk is
24 that we don't act fast enough.

25 **Proceeding Time 10:39 a.m. T22**

26 And to investigate this once in a generation

1 opportunity to support a huge move towards the
2 transportation electrification. As we're seeing in
3 jurisdiction after jurisdiction across Canada and the
4 U.S., the question is not whether utilities should
5 invest, but how.

6 On the subject of utility versus the
7 private sector, the infrastructure gap is so huge that
8 the risk is not who invests but whether everybody
9 together can even meet the demand. And so for those
10 reasons, as well as that we submitted in our comments,
11 we urge the Commission to conclude the case quickly
12 and with approval to utilities to participate in the
13 market with cost recovery, both in standard and
14 reliability. Thank you very much.

15 THE CHAIRPERSON: Thank you very much, Mr. Krauthamer.

16 Mr. Miller, does Staff have any submissions
17 that they wish to make?

18 MR. MILLER: Staff has no submissions on the process
19 issues. The Panel has addressed in response to Mr.
20 Andrews' query about whether or not an order has gone
21 over or a draft order has gone to the Ministry, we can
22 advise yes. We have no further information beyond
23 that.

24 THE CHAIRPERSON: Okay, thank you. We'll take a short
25 break before we come back and then we'll run up the
26 list again and invite your reply, replies to your

1 colleagues submissions.

2 So let's come back at five to 11:00.

3 **(PROCEEDINGS ADJOURNED AT 10:40 A.M.)**

4 **(PROCEEDINGS RESUMED AT 10:56 A.M.)** **T23/24**

5 THE CHAIRPERSON: Please be seated. Thank you.

6 We are going to now go back up our list and
7 this is an opportunity to reply to any comments that
8 other parties have made on what you have submitted, or
9 on -- it is not an opportunity to restate what we've
10 already heard, or to introduce something new.

11 So, on that note then, Mr. Krauthamer, are
12 you still on the line?

13 MR. KRAUTHAMER: Pardon me, can you please repeat the
14 question?

15 THE CHAIRPERSON: So, this is the opportunity then to
16 -- the first time through went from top to bottom of
17 the list was for you to make your submissions. And so
18 now is an opportunity, we are going to go back up the
19 list now and give everyone the opportunity to reply to
20 everyone else. So is there anything further that you
21 would like to add in reply to any of the submissions
22 that you've heard?

23 MR. KRAUTHAMER: No, but thank you for the opportunity.

24 THE CHAIRPERSON: Okay, thank you. Mr. King?

25 MR. KING: No, we have nothing to add.

26 THE CHAIRPERSON: Thank you. Mr. Travis?

1 MR. ALLAN: Mr. Chair, we AddÉnergie have nothing to
2 add, thank you.

3 THE CHAIRPERSON: Oh, Mr. Allan, I'm sorry.

4 MR. ALLAN: That's all right, it happens all the time.
5 No further.

6 THE CHAIRPERSON: Mr. Andrews?

7 MR. ANDREWS: I have nothing to add to my earlier
8 submissions.

9 THE CHAIRPERSON: Thank you. Mr. Littlejohn?

10 MR. LITTLEJOHN: Nothing to add.

11 THE CHAIRPERSON: Thank you for that. Mr. Flintoff?

12 **REPLY BY MR. FLINTOFF:**

13 MR. FLINTOFF: I think the Commission inquiry has been
14 a bit derailed by the Ministry's statement. And until
15 we get a policy clarification, should we continue or
16 just pause? That would be one of my things.

17 I'd just like to correct something that was
18 said, I believe David Austin implied that the
19 Commission approved contracts for the IPPs? I believe
20 we only accepted them.

21 THE CHAIRPERSON: Okay, thank you, that is out of scope
22 of this proceeding, but thanks for the clarification.

23 MR. FLINTOFF: I just thought since I was involved I
24 might want to correct that.

25 THE CHAIRPERSON: Fair enough, thank you.

26 Mr. Keen?

1 **REPLY BY MR. KEEN:**

2 MR. KEEN: Thank you. One quick comment, one new thing
3 that we heard in the submissions was the prospect,
4 perhaps, of government filing something in writing on
5 the record. If that happens, we would be interested
6 in commenting and providing I guess some helpful
7 comments briefly. A timely resolution to the inquiry
8 is important and the Commission can proceed based on
9 its current record. Otherwise, no.

10 THE CHAIRPERSON: I'd just like to explore that a bit.
11 So, if government chooses to, is invited to and
12 chooses to file something, you are saying that you
13 would like a comment on that? Or just comment as part
14 of the final argument?

15 MR. KEEN: I guess two things. We don't think final
16 argument is necessary based on the current record as
17 it stands. That was what we were going to say at the
18 outset this morning until we heard further
19 developments.

20 If government does provide some indication
21 of what that new regulatory regime or process would
22 look like, then yes, ChargePoint would appreciate the
23 opportunity to file comments on that to assist the
24 Commission with the issues.

25 THE CHAIRPERSON: Even if there is no final argument.

26 MR. KEEN: Exactly.

1 THE CHAIRPERSON: Thank you. Mr. Austin?

2 **REPLY BY MR. AUSTIN:**

3 MR. AUSTIN: A quick comment on something that Mr.
4 Flintoff said, and this was in relation to setting
5 rates, and I was very puzzled as to how that would
6 work. On one side of the equation we would have
7 regulated utilities getting a regulated rate of
8 return, and stranded asset protection.

9 **Proceeding Time: 11:08 a.m. T25**

10 On the other side of the equation we have
11 the private sector with no regulated return and no
12 protection with respect to stranded assets. So if
13 rates were set, to which group would they apply, to
14 the utilities side of the equation or the private
15 sector side of the equation and/or both? I just can't
16 see how you could set a rate under those circumstances
17 that would apply to both. And if you did set a rate
18 that applied to the regulated utilities side of the
19 equation, then how would you set it in the context of
20 the private side.

21 THE CHAIRPERSON: I will take that comment as your
22 comment on the need for final argument.

23 MR. AUSTIN: Sure. That sounds good. And I'd also
24 like to have -- the Clean Energy Association of B.C.
25 fully supports the government's Clean B.C. plan and
26 the need to get there as quickly as possible.

1 THE CHAIRPERSON: Okay, thank you, sir. BCOAPO?

2 **REPLY BY MS. MIS:**

3 MS. MIS: We support -- the Commission should request
4 this additional region policy from the government, and
5 for this addition, even in this policy will cover
6 questions 1 and 9, we still submit that there is not
7 sufficient evidence for questions 11 and 12, at least
8 for a definitive answer other than just a framework.
9 And we disagree that final argument not needed. We
10 think that final argument will be needed, especially
11 because we did not submit any argument so far.

12 THE CHAIRPERSON: Thank you. Mr. Weafer, please.

13 **REPLY BY MR. WEAFER:**

14 MR. WEAFER: Listening to my friends, it's clear the
15 position of many is to move quickly and be indemnified
16 by ratepayers. And we think the Commission should get
17 some direction from government if that is truly the
18 policy, and that issue should require some final
19 argument if that is the policy. So I understand the
20 dilemma of trying to move ahead quickly, but there's a
21 fairly significant unanswered issue out there. Thank
22 you.

23 THE CHAIRPERSON: Thank you. Mr. Ahmed.

24 MR. AHMED: I have nothing further unless there are any
25 particular questions.

26 THE CHAIRPERSON: No. Thank you, sir. Ms. Claire

1 [*sic*]?

2 **REPLY BY MS. FERGUSON:**

3 MS. FERGUSON: I have a few comments to make. So my
4 first is with respect to some of the submissions made
5 by the Ministry. Given the scope of this phase of the
6 inquiry and the Ministry's submissions this morning,
7 which we think are pretty clear, BC Hydro is of the
8 view that it seems reasonable to skip final argument
9 if that should be what the Commission decides is
10 appropriate, or to move to final argument and to scope
11 the final argument in the manner suggested by Ms.
12 Graff. So BC Hydro doesn't really have a strong view
13 on either one of those options. But I did, in my
14 initial submissions, say that we were happy to move to
15 final argument. I just want to make it clear that
16 we're also happy to skip final argument should that be
17 the way this is going.

18 We would also agree with, I believe, the
19 comments by Mr. Allan that I think are important which
20 is, the way I've heard the submissions this morning, I
21 think, at most, all that the Ministry's submissions
22 have done is narrow the scope issues that we're
23 dealing with today versus broaden anything in any way.
24 So I would be quite strongly hesitant to suggest that
25 nothing in our view would require any further evidence
26 in order to respond to what the Ministry has said this

1 morning. I think really what that has done is just
2 narrowed the issues that are on the list. So in that
3 sense it may be appropriate to wrap the process up.

4 **Proceeding Time 11:05 a.m. T26**

5 In terms of comments with respect to the
6 fact that the devil is in the detail, that's certainly
7 true. I think there are a number of issues that have
8 been raised and that were in the original scope list.

9 In terms of I heard Mr. Austin talk about
10 business case, details around other parties raising
11 details around tariff issues or rate design. Those
12 are absolutely valid questions, but I think as BC
13 Hydro has put in their submissions to date, and
14 especially with respect to the questions, I think
15 they're 11 and 12, we would argue that those are
16 absolutely most suitably addressed in a future rate
17 design hearing where the Commission has a full record
18 in front of it and is able to consider those
19 submissions at that time.

20 And would agree with Mr. Andrew's
21 submissions that the Commission likely does not have
22 sufficient evidence with respect to those two issues
23 on those topics on this inquiry which is why we say
24 and have always maintained that they are more
25 appropriately addressed in a more fulsome future rate
26 design hearing.

1 I think, subject to any questions, those
2 are our reply comments.

3 THE CHAIRPERSON: Thanks Ms. Claire [*sic*] and I would
4 just like to add with regard to your comment about the
5 Ministry's submissions and the fact that they have not
6 increased the scope or expended the scope of this
7 phase.

8 I would also like to add and remind us all
9 that the Panel was quite clear in the Phase 1 report
10 about utility participation and stated quite clearly
11 that utilities can and do participate in this market
12 and would continue to do so throughout Phase 2 on the
13 same terms they always have, which is that they're
14 regulated and we would expect an application for any
15 new infrastructure construction or rate.

16 And we've heard a lot from parties today
17 about the need for -- to move quickly and to be
18 expedient, especially in light of the Ministry's
19 submissions this morning.

20 But I would like to remind us all that
21 there's no prohibition, currently, against utility
22 participation in this market. Thank you.

23 MS. FERGUSON: Thank you.

24 THE CHAIRPERSON: Ms. Graff?

25 **REPLY BY MS. GRAFF:**

26 MS. GRAFF: Thank you, Mr. Chair, for the opportunity

1 to provide reply submissions.

2 So to start off I think it's very clear to
3 us that the policy objectives that are outlined this
4 morning are not a new policy statement by the Province
5 of B.C.

6 **Proceeding Time 11:08 a.m. T27**

7 And in that regard, I refer intervenors or the Panel
8 to the submissions that the province has already made
9 in both phases of this inquiry into the evidentiary
10 submissions, which clearly already stated that the
11 province is very much in favour of non-exempt public
12 utility involvement in the delivery of these services,
13 and is also in favour of those utilities recovering
14 their costs. So this is not a new policy statement,
15 and we certainly do not see any need whatsoever to put
16 a statement in writing to confirm this position.
17 Again, it has been explained in writing already in our
18 evidentiary submission, and I have also stated it
19 multiple times on the record this morning, so that is
20 certainly our response to that request by some
21 intervenors.

22 Now, that said, the reason obviously why I
23 brought up those policy objectives multiple times this
24 morning was, as my friend Ms. Ferguson suggested, to
25 invite the Panel to narrow the scope of this inquiry
26 and of any final argument that may occur, to those

1 issues that remain to be discussed. Because given the
2 conclusions that the province has already drawn with
3 respect to the involvement of public utilities, a
4 number of the questions that the panel had posed for
5 this second phase of the inquiry are no longer, with
6 respect, relevant. Whereas there are some remaining
7 issues that potentially remain to be discussed.

8 And because I have heard many intervenors
9 express concern about the vagueness of our policy
10 objectives, and I have also stated this morning that
11 we would very much value any input from the Panel at
12 the close of this inquiry with respect to certain
13 matters in guiding us in the further development and
14 refinement of our policy.

15 Some of the matters that would be
16 potentially useful to us are, as I have mentioned
17 earlier, any limits that intervenors may wish to see
18 imposed on the involvement of public utilities.
19 Whether it is a time limit, whether there are any
20 geographic considerations, and investment limits, any
21 limits to cost recovery. So those are the types of
22 things that we would be interested in hearing the
23 Panel's views on. Although, as I've mentioned, the
24 overarching issue of whether or not public utilities
25 should be involved and whether or not they should be
26 able to recover their costs, those are issues that we

1 so as to achieve those objectives. And in that regard
2 it would be a benefit to the province to have any
3 findings or recommendations that you may be able to
4 provide at the close of this inquiry with respect to
5 the specific means by which we may achieve those
6 objectives.

7 I think I had a couple of additional points
8 to make. I also concur with my friend Ms. Ferguson
9 with respect to the fact that some of the concerns
10 that were raised this morning, the very specific
11 concerns or issues that of course remain to be
12 resolved would perhaps be better addressed in a
13 context of an application, a specific application to
14 the Commission and that this may well not be the forum
15 for resolving all of these issues, even though again
16 we very much acknowledge that the devil is in the
17 detail and that a lot of details remain to be worked
18 out.

19 And subject to any further questions, I
20 think those are my reply submissions.

21 COMMISSIONER HOROWITZ: I think it would helpful,
22 perhaps, if you distinguish between government policy
23 as it relates to regulation as opposed to how it
24 relates to having one of the utilities that we're
25 talking about, which is a Crown corporation and
26 therefore potentially an instrument of government,

1 MS. GRAFF: Sure. The province believes that achieving
2 the CleanBC targets will require a very significant
3 investment, as I think everybody agrees, in the
4 delivery of these services. And --

5 COMMISSIONER HAROWITZ: There's no disagreement anywhere
6 in the room on that.

7 MS. GRAFF: Yes, but that leads me to my next point,
8 which is that such invest- -- there's a need for
9 investment by non-exempt public utilities in that
10 sector and that without such investment it may be very
11 difficult to achieve CleanBC targets.

12 And also as was stated in our written
13 submission there is certainly a potential for
14 obviously private service providers as well as public
15 utilities to be involved in that market. It's not an
16 either/or situation. But we believe that
17 participation by non-exempt public utilities is
18 critical.

19 COMMISSIONER HAROWITZ: I think you answered the "do you
20 think it is essential" by answering "yes, it is."
21 What I was asking for was the why.

22 MS. GRAFF: Why is it essential?

23 COMMISSIONER HAROWITZ: I understand that having more
24 charging stations is critical. I understand -- or I'm
25 for the moment not asking the question as it relates
26 to a Crown agency that is a utility, I'm asking if the

1 government has articulated the reason why a private
2 sector regulated utility has a distinct and different
3 role to play than private sector non-regulated when a
4 recommendation is the sector should be non-regulated.

5 So I'm just trying to understand if you
6 have further light that you can shed on what that
7 unique role would be to accomplish the objective that
8 I think we've all bought into?

9 MS. GRAFF: Right. No, at this time I have no further
10 light to shed on that.

11 COMMISSIONER HAROWITZ: Thank you.

12 THE CHAIRPERSON: But you would be willing to make
13 submissions on those issues?

14 MS. GRAFF: If that was to be of assistance to the Panel,
15 of course, yes.

16 THE CHAIRPERSON: I think a lot of -- my perception is
17 that there has been a lot of people in the room
18 struggling to understand how some of the things --
19 submissions that you've made today, how they fit into
20 a policy framework and what exactly it looks like.

21 One of the things that I think I'm hearing
22 you say is that you have made written submissions in
23 this proceeding recently and that those are statements
24 of government policy. They're not just suggestions to
25 the Panel that you consider this rather than that, but
26 they're firm statements of government policy that

1 government is prepared to back by -- presumably backed
2 by legislation or by other means. Is that what we --
3 is that what you're saying?

4 MS. GRAFF: Yes, that's correct. Yes.

5 THE CHAIRPERSON: But hasn't done so at this point and
6 may forbear on doing that until such time as it's
7 heard and until such time as it reads a report that
8 comes out of this proceeding. Do I understand that
9 also to be what --

10 MS. GRAFF: The province would certainly like to have the
11 benefit of the Panel's findings or recommendations in
12 that regard, but, again, intends to move quickly.

13 THE CHAIRPERSON: Understood.

14 MS. GRAFF: And that is partly why it would encourage the
15 panel to bring this inquiry to a close as
16 expeditiously as possible.

17 THE CHAIRPERSON: Then in response to that I would say
18 that there -- as you point out the devil is in the
19 details and there's still some more devil in there as
20 far as the Panel is concerned.

21 **Proceeding Time 11:19 a.m. T30**

22 So, it would be helpful then, if the Panel
23 does have further questions that, you know, perhaps if
24 we -- if we decide there's going to be further
25 submissions, that if government is willing to respond
26 to those and that would help us produce a more fulsome

1 report and a more -- hopefully a report that would be
2 more helpful.

3 MS. GRAFF: Yes.

4 THE CHAIRPERSON: Yes, okay.

5 MS. GRAFF: But definitely, and it may be abundantly
6 clear by now, but my intention this morning was to
7 ensure that the scope of what remains to be discussed
8 is very much limited to what is still relevant at this
9 stage.

10 THE CHAIRPERSON: Understood, yes. Understood. And
11 again, I would also point out at this time there is no
12 prohibition on -- as I just said a few minutes ago,
13 there is no prohibition on utility participation in
14 any aspect of the EV market.

15 MS. GRAFF: And also one final point that I forgot to
16 make earlier, with respect to the need for final
17 argument, I submitted this morning that in our -- it
18 was our position that final argument was not needed
19 because parties had already presented argument as well
20 as evidence in their evidentiary submissions, and
21 because I've heard from at least I think one or two
22 this morning that they did not file anything because
23 they had no evidence to file, and so have not had an
24 opportunity to file their views inviting, it would be
25 fair to provide a final argument opportunity.

26 THE CHAIRPERSON: Thank you, appreciate that.

1 COMMISSIONER FUNG: I do have a couple of questions, Ms.
2 Graff. I just want to understand, what is
3 government's position with respect to the extent of a
4 utility's role, a public utility's role in the EV
5 charging market? Is there -- does government see that
6 as being a dominant role? In other words, how big is
7 the pie and what is the public utility's piece of it?

8 MS. GRAFF: Right. Well, I think that's exactly what we
9 might be interested in hearing from interveners or the
10 Panel. Again, those are the details that have not yet
11 been fully worked out. I think we certainly see non-
12 exempt public utilities as playing a critical role in
13 that market. We see it as very much necessary, but
14 when it comes to how exactly that would be worked out,
15 I think those are the -- some of the -- when I
16 mentioned earlier when I referred to potential, the
17 next -- on the extent of the involvement, that's what
18 I was thinking about when I mentioned, for example,
19 Prime Minister --

20 [*Electronic voice announcement*]

21 MS. GRAFF: And those are precisely the subject areas
22 that could be of potential interest and value to us if
23 they were further explored in this proceeding.

24 COMMISSIONER FUNG: And does government feel that it's
25 appropriate for the Commission and the Panel to be
26 making recommendations with respect to the type of

1 regulatory levers that we should be applying in order
2 to level the playing field amongst the different
3 players in the EV charging market?

4 MS. GRAFF: We would certainly welcome the
5 recommendations and take them into consideration.

6 COMMISSIONER FUNG: Okay, thank you very much.

7 COMMISSIONER HAROWITZ: And again, this maybe gets into
8 content and therefore it might be something you'd
9 prefer to defer on, if there is an answer you'd rather
10 put it into writing as a submission or something, but
11 -- so I'm still trying to get my head around the
12 critical role they'll play. Does the government have
13 in place policy, program or other kinds of views as
14 using the utilities, both Crown and private sector, as
15 a means through which it would funnel incentives or
16 other kick-start ideas that would come out of
17 government and that you see the utilities as being the
18 mechanism through which you would translate those to
19 the market, and if so, can you articulate as to --
20 have you given thought as to why you wouldn't equally
21 have those available to non-regulated private sector.
22 Because now we're getting into, you know, things that
23 maybe you have decided and would be useful for us to
24 know.

25 MS. GRAFF: No, I can't speak to that this morning. I
26 have no information about that, and so it's certainly

1 something that we could provide further submissions
2 on, if required.

3 **Proceeding Time 11:23 a.m. T31**

4 COMMISSIONER HAROWITZ: Okay. Thank you.

5 THE CHAIRPERSON: Thank you, Ms. Graff, that was very
6 helpful. Appreciate it.

7 So unless there's anything further, Mr.
8 Miller?

9 MR. MILLER: Mr. Chairman, I'm not aware of anything
10 further.

11 THE CHAIRPERSON: Okay. So I don't think we have a
12 response now. We'll take this away and thank you very
13 much for your participation. We will have a decision
14 and an order out as soon as possible.

15 Thanks very much, have a good day.

16 (PROCEEDINGS ADJOURNED AT 11:23 A.M.)

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19 I HEREBY CERTIFY THAT THE FORGOING
20 is a true and accurate transcript
21 of the proceedings herein, to the
22 best of my skill and ability.

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A.B. Lanigan, Court Reporter

February 27th, 2019