

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

And

British Columbia Utilities Commission
Indigenous Utilities Regulation Inquiry

CRANBROOK, B.C.
June 3, 2019

Community Input Session

BEFORE:

D.M. Morton,	Chairman/Panel Chair
C.M. Brewer,	Commissioner
A. Fung Q.C.,	Commissioner
B. Lockhart,	Commissioner

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CRANBROOK, B.C.

June 3, 2019

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(PROCEEDINGS COMMENCED AT 9:25 A.M.)

4

THE CHAIRPERSON: Thank you, Laura, and good morning.

5

Thank you to all for being here today. My name is

6

Dave Morton as you've now heard a couple of times.

7

I'm the Chair and CEO of the B.C. Utilities

8

Commission, and I'm also the Chair of the inquiry

9

panel. And you've met my fellow panel members, so I

10

won't repeat those introductions.

11

On behalf of myself, the panel, and the

12

Utilities Commission, I'd like to begin by

13

acknowledging that the land on which we gather is the

14

traditional territory of the Ktunaxa people. I'd also

15

like to say a special thank you Catherine Tunise for

16

welcoming us into your community. We greatly

17

appreciate being here today and we look forward to

18

hearing your comments and feedback on the scope of

19

today's inquiry.

20

As you know, and have heard just now in the

21

presentation by Laura, we are seeking your input on

22

what characteristics define an Indigenous utility, and

23

if or how Indigenous energy utilities should be

24

regulated.

25

If you are unsure as to what information

26

would be within scope, we have staff available to

1 answer questions or material available for your review
2 and consideration at the registration desk.

3 I'd also like to note that during the
4 breaks in today's session, myself and my fellow panel
5 members will be available to speak with you, and we
6 look forward to doing so. However, we ask that if you
7 would like to discuss or provide comments with regards
8 to the scope of the inquiry, that you please do so on
9 the record by making a presentation, and you can sign
10 up as a presenter with the registration desk at the
11 back. Or I guess that is the front of the room.

12 And on that note, I again thank you for
13 attending, and we are now open for anyone that would
14 like to make a presentation to the panel. And if you
15 do, please step up to the microphone, and if you could
16 begin -- or before you begin your presentation, if you
17 could state your name, first name and last name, spell
18 your last name. And the reason for that is so we can
19 accurately transcribe the information. Thank you.

20 **PRESENTATION BY MR. McCURRY:**

21 (TRADITIONAL GREETING)

22 Good morning, my name is Christopher
23 McCurry, my last name is spelled M-c-C-U-R-R-Y. I am
24 here working for the community of ?aq'am, which is --
25 my office is right across the street from St. Eugene
26 here.

1 I guess, just a bit about me first. I run
2 the development corporation, I am the CEO for ?aq'am's
3 Development Corporation. I've been working for ?aq'am
4 four and a half years now, and yeah, we've had a solar
5 project on our radar for years now. So my work plan
6 as part of working for the community states to use the
7 resources that are in our backyard. And we are in the
8 sunniest part of British Columbia right now, so we've
9 been working hard towards producing a solar project on
10 our reserve lands. We've got about 20,000 acres here.
11 So we've got lots of land, we've got power lines
12 running right through our reserve.

13 And as part of that STRAP plan, it is to
14 create revenue, so we've got a self-sufficient
15 community. A power project to us represents long term
16 revenues, and creates a piece of that self-sustaining
17 economy.

18 I'm sure you're aware of the impacts of
19 damming that has had to our region. You know, there
20 is a lot of kinda of sad history when it comes to
21 those dams, but there is a lot of positives that have
22 come from it as well. And we have an opportunity to
23 produce a project unlike any project produced in B.C.
24 at this time, because we are reliant on run of the
25 river projects. We've got a resource in our backyard
26 that we would like to take advantage of.

1 So, since I have been working for ?aq'am,
2 we've been building relationships with the Ministry of
3 Energy, Mines and Petroleum Resources. We've had
4 several meetings with their staff, met with Michelle
5 Mungal, we've invited -- we've had Dave Nicolishen and
6 his team out onto our project site. So they've walked
7 it, they've seen it, and in theory support it. So,
8 you know, since, you know, as we go through election
9 cycles, we don't have a path to an EPA right now. As
10 we're sitting here going through this Commission, and
11 with the old liberal government, the standing offer
12 program, we just weren't quite ready at that point.
13 We do have a shovel ready project right now, for a 30
14 megawatt project that ranges anywhere to 50 to 60
15 million dollars. Those costs are going down month by
16 month, as we see solar costs going down.

17 And we've got an MOU with the City of
18 Kimberly, who has produced the Sun Mine project. It's
19 a 1.3 megawatt project up in Kimberly, B.C. So we
20 formed a relationship with Kimberly as well, and
21 they've shared all their data, all their learning
22 lessons. We've had a really good open relationship
23 with them to learn about what they would do
24 differently.

25 We also have a very strong partnership with
26 FortisBC right now, which is a lower level. We are

1 working towards a higher level agreement with them
2 with the intent of having majority ownership, because
3 it is on our land. Those pieces can't be negotiated
4 just yet, until we know the economics of the project,
5 which will come from an EPA, so.

6 Yeah, I guess that is my real reason for
7 being here. We want to, you know -- I think the
8 province is very well aware of what we're trying to do
9 here. At least I know Michelle is, and yeah, we're
10 hoping to find a path to an EPA, because we live in a
11 rural area where economic development is different
12 than being close to the cities, where there is
13 millions of people to drive revenue. A project like
14 this represents, you know, self-sufficiency for the
15 next generations to come.

16 I don't know if I have much else to say,
17 but I am open to questions, and yeah.

18 THE CHAIRPERSON: Thank you. Yeah, I do have a
19 question. If for whatever reason the EPA route either
20 is not open to you, or the path is just so protracted
21 that it is not practical at this point, do you have a
22 plan B? Are there alternatives that you've examined?
23 I know that there is some other groups in a similar
24 position, also have a potential opportunity to provide
25 energy directly to their own communities through their
26 projects. Is that option available? Or are there

1 other options available?

2 MR. McCURRY: Yeah, absolutely. We are looking at
3 other options, you know. The resort that we sit in
4 right now, we could easily probably sell power
5 directly to. We've got a lot of other projects that
6 we are working on reserve right now that require
7 power. So, I think there is opportunity with plan Bs
8 and plan Cs. Grid tie, depending on the economics of
9 an EPA are plan A. Solar storage is literally at its
10 infancy. You know, there is a few projects around the
11 world that are there.

12 It is something that we are looking at, and
13 what we've been told by Michelle and her team is we
14 are preparing for power from 2030 and beyond. From
15 what I understand, industry is moving more towards
16 electric, and I think that 2030 timeline is actually
17 less -- really, that's 10 years away.

18 We've got, you know, the coal mines, the
19 metallurgic coal mines that are really driving our
20 economy out here in the Elk Valley, Fernie, Sparwood,
21 and Elkford. Industries like that are moving
22 electric. And I think the demand on the grid is
23 probably in our favour right now, as we move towards
24 that way. The new emissions, targets of the
25 government are -- electric cars are coming over.
26 We've just built a gas station that opened last fall

1 that we've attached two EV chargers to. So, we are
2 trying to be a little bit progressive that way and be
3 a part of that economy as well. Yeah.

4 THE CHAIRPERSON: So, in any of your considerations,
5 either for the EPA or for any of the other
6 alternatives, I'm just curious, do you consider the
7 role of the Utilities Commission and is that, do you
8 see as us as an impediment or as a partner to any of
9 these routes or is that not part of your specific
10 thinking at this point?

11 MR. McCURRY: I don't know if I have an exact opinion
12 on that.

13 THE CHAIRPERSON: That's okay. That's fine. You don't
14 have an answer.

15 MR. McCURRY: You know, my job is to really produce
16 revenue, employment and training for my community, so
17 we -- our political power obviously comes from our
18 Chief and Council and from our -- from Katherine,
19 right, in our Ktunaxa Nation Council. So from the
20 political end, I'm not as much engaged in those
21 pieces, even though it is a big part of this project.
22 But yeah, personally, I'll probably just leave that
23 one alone.

24 THE CHAIRPERSON: Okay, thank you.

25 COMMISSIONER FUNG: Thank you very much, Mr. McCurry,
26 for your comments, which are very helpful. And thank

1 you for being courageous enough to be the first to
2 present here today.

3 I do have some questions relating to ?aq'am
4 and its relationship, if any, with the Ktunaxa First
5 Nation. First of all I want to know, is it an entity
6 that's completely owned by either the First Nation
7 collectively or by band members individually, and then
8 secondly, is it an incorporated entity, or is it just
9 an association of interests?

10 MR. McCURRY: ?aq'am is one of the four communities that
11 make up the Ktunaxa Nation. So this project is about
12 our community specifically. We do work together quite
13 closely with the other communities and the Nation. The
14 project that we're working on our reserve lands is
15 ?aq'am specific.

16 Now, you had a question in regards to --
17 was it the development corporation or --

18 COMMISSIONER FUNG: The ownership of the entity and is
19 it an incorporated entity or is it just owned by
20 individual Band members?

21 MR. McCURRY: Yes, so the development corporation is
22 owned by the Band. We operate separately from Chief
23 and Council, so we are separating business and
24 politics. I report to a Board of Directors. I have a
25 very close relationship with Chief and Council, but
26 when I need to come in and talk to them about money or

1 land decisions, I come in as a guest. You know,
2 there's this fine balance of separating politics and
3 business. But the Dev Corp does run on its own.
4 Decisions are made by a Board of Directors, you know,
5 in consultation with the community. This project is
6 driven by the community.

7 The only reason we're working on it is
8 because the community wants it. The community see the
9 opportunity. The community, you know, sees the
10 resource in its backyard.

11 COMMISSIONER FUNG: And with respect to your
12 relationship with Fortis, I think you referred at one
13 point to a partnership arrangement. How do you see
14 that working on any of these projects?

15 MR. McCURRY: So Fortis has really been the -- you
16 know, the driving force behind the technology side,
17 the expertise side, the capacity side that we don't
18 have. You know, I did a trip down to Tucson a few
19 years ago with an affiliate company that they owned,
20 for Tucson Electric, I believe it's called. We got to
21 tour three of the largest projects in Arizona that
22 would mimic what our project would look like. You
23 know, they're the experts in regards to one of the
24 companies they own, for solar, that we don't have in-
25 house.

26 This project, I couldn't work on on my own.

1 I don't have that kind of expertise. You know, so we
2 rely heavily on Fortis to bring that expertise, that
3 capacity and that technology and the relationships
4 with purchasing power.

5 COMMISSIONER FUNG: Okay, thank you, very much.

6 COMMISSIONER BREWER: Thank you very much for your
7 presentation. I'm just wondering, it sounds like
8 you've done a lot of thinking about your project. I'm
9 wondering, if, I guess, your customer base sounds like
10 it's at least beginning on the reserve. Is that
11 correct? Is that what you're thinking there?

12 MR. McCURRY: Not if it's grid-type project. It would
13 be B.C. wide but --

14 COMMISSIONER BREWER: B.C. wide?

15 MR. McCURRY: Well, if it's a grid-type project, right?
16 So that power is -- that goes to --

17 COMMISSIONER BREWER: I guess only Plan B would it --

18 MR. McCURRY: Yeah, Plan B. Plan C would be driving
19 local power, you know, if it comes to that.

20 COMMISSIONER BREWER: Right. And I'm wondering, have
21 you given any thought as to how you would be setting
22 the rates or what your rate setting process, what
23 entity would you be coming -- I suppose at this point
24 you --

25 MR. McCURRY: If we sold the power independently off
26 grid?

1 COMMISSIONER BREWER: Yes, independently.

2 MR. McCURRY: No, we haven't. And yeah, we're going
3 to drive Plan A as far as we can. And you know, the
4 economics of that come from the EPA. So that's going
5 to tell us whether we're going to make money or now.
6 I think there's thoughts out there that solar can't
7 make money, and I think at the right size and the
8 right EPA they can make money. The project in
9 Kimberly is a break-even project at best, but they use
10 technology that is cost prohibitive. They got driven
11 towards a few grants that, you know, set them on a
12 path towards certain technologies.

13 You know, the project we're looking at is
14 going to be very simple, very low impact. In 50 years
15 if we want to rip it out, you would never know it was
16 there.

17 COMMISSIONER LOCKHART: Mr. McCurry, you mentioned at
18 one point the costs that you're incurring or the
19 monthly costs that keep diminishing. I'm assuming
20 those would be future costs, but can you remind me
21 again of the numbers, please?

22 MR. McCURRY: No specific numbers. I'm talking about in
23 general, but the costs of solar right now as a
24 technology is rapidly increasing, you know, and as
25 panel companies are able to produce more. So, we're
26 just talking about the costs of the project are going

1 down as that technology changes.

2 COMMISSIONER LOCKHART: And the costs -- you mentioned
3 some millions but --

4 MR. McCURRY: Yeah, right now we're looking at probably
5 a \$50 million project at 30 megawatts.

6 COMMISSIONER LOCKHART: I see, okay. Thanks very much.

7 THE CHAIRPERSON: Thank you, Mr. McCurry. We really
8 appreciate that.

9 MR. McCURRY: Okay, thank you for your time.

10 Is there anyone else that would like to
11 make a few comments?

12 MR. SANCHEZ: Hello. [NON-ENGLISH LANGUAGE SPOKEN]

13 Pete Sanchez. I'm a member of the Ktanaxa Nation.

14 I'm from Akiskanook, Invermere area, and I live down
15 here. I live in this community. This is where my
16 mother was from. I just have a couple of questions.

17 Actually basically, about the Commission
18 and I guess your position as far as taking input, how
19 many communities have you visited, and I guess one
20 question that was kind of touched on was changing
21 political atmospheres and how you plan on maintaining
22 that steady road.

23 THE CHAIRPERSON: Okay. Well, those are two very
24 different questions. So to answer the first question,
25 we reach out and do engagement in local communities,
26 and the communities vary depending on what the issues

1 of the application are. In this case, in this inquiry
2 this is our first community input session. We have a
3 series of sessions scheduled over the next, I think
4 roughly three weeks. And we'll be going from here.

5 And Dan can probably help me with the
6 schedule here, but we're going from here to Kelowna,
7 to Kamloops to Williams Lake and then I think Prince
8 Rupert after that. And then I think Vancouver, Fort
9 St. John and Victoria. Is that -- I missed Prince
10 George, sorry. Prince George and Campbell River and
11 Victoria. Yes. So those are the communities that we
12 will be holding sessions like this at.

13 However, that being said, there is
14 virtually unlimited opportunity for anyone to provide
15 a comment on these issues at any time, and they can do
16 that through a number of different way. They can do
17 it by email, by mail, they can telephone comment in,
18 and also there's an opportunity, if there's particular
19 evidence that you wish us to consider, you know, if
20 there was documents that you want to submit, you can
21 register as an intervener and submit those documents
22 into the proceeding.

23 Does that give you a flavour of --

24 MR. SANCHEZ: Yeah, it does. One of things that you
25 know, my concern ends up being -- I see Katherine
26 isn't here now. I was kind of hoping she'd stick

1 around. The treaty process and BCUC is what I'm
2 really curious about, because what's going to happen
3 when that does change, when our position does change.
4 Or if it doesn't change and become stronger as we --
5 and the reason I say this is because I'm looking at --
6 it's great hearing that we're working on solar
7 projects, but some of the things that are also being
8 explored ends up being -- solar panels come from
9 outside this area.

10 THE CHAIRPERSON: I'm sorry, what from outside?

11 MR. SANCHEZ: Solar panels, all manufactured parts have
12 to be brought in and we're trying to look at
13 manufacturing. And so does that fall under what
14 you're --

15 THE CHAIRPERSON: Yes, okay. So the Utilities
16 Commission is -- we're what's called an administrative
17 tribunal, and we are formed by a specific piece of
18 legislation from the British Columbia government. We
19 operate in a similar manner to a court, in that in the
20 matters that we regulate we have processes that are
21 somewhat like a court process and then we have a panel
22 that makes a decision. But we only have limited --
23 the jurisdiction that we have is quite limited, and
24 the jurisdiction that we have at this time is over any
25 matter that involves the sale of energy.

26 And so the purpose of our regulating of the

1 sales of energy is to ensure that it's done at a price
2 that's fair to both the seller and the purchaser. And
3 we also have a role in ensuring that when a project is
4 built to provide energy, things like a solar farm or a
5 wind farm or a dam or you know, back in the day, a
6 natural gas power plant, that any of those projects,
7 that they only get built if they are necessary and
8 that there's been a review of the costs of the plant
9 and the cost is reasonable and that the energy is
10 needed.

11 That was the limit, and that is the limit
12 of our power. We don't have any more general power
13 than that.

14 And the purpose of this inquiry is to -- as
15 you point out, the treaty process is changing the
16 dynamic in various First Nation communities and things
17 are changing as a result of that. And so we're
18 holding this inquiry basically because government has
19 asked us to, but it's to examine the role of how we do
20 that energy regulation when it comes to utilities that
21 are built and operated by First Nations. Regardless
22 of the status of the treaty or any of those issues
23 which will change as time goes on, we need to look at
24 that at a particular point in time, and the point in
25 time we're looking at that is now, and hopefully we'll
26 be able to recommend some sort of framework for that

1 regulation that will endure as things change in the
2 future.

3 Sorry, if that was a little meandering.

4 MR. SANCHEZ: No, I understand what you said and I
5 appreciate that because the awareness is there that --
6 you know, sometimes we have people come in that aren't
7 really aware that things are going to change perhaps
8 drastically, perhaps not. So, okay.

9 THE CHAIRPERSON: And then your other question about
10 change of governments. We operate in a manner that's
11 independent from government. We're not -- even though
12 we are appointed by Cabinet, we're not appointed
13 because of our partisan political positions. I've
14 been a Commissioner since 2010, throughout the time
15 when there was a different government. And we don't
16 consider political issues when we make our decisions.
17 We make our decisions independently. And as I
18 indicated before, we try to ensure that our decisions
19 strike a balance between being fair to the provider of
20 the energy and the user of the energy. And that's the
21 decision framework that we operate in.

22 MR. SANCHEZ: That reminds me of something that I was
23 hearing just a little bit ago about coal not being
24 regulated?

25 THE CHAIRPERSON: The mining of coal, we wouldn't be --
26 we're not involved in the regulation of the mining of

1 coal or the transportation of coal or the shipping of
2 coal from Roberts Bank or any of those issues. But if
3 someone wanted to build a plant to generate energy and
4 use coal as the source, wherever the coal came from,
5 whether it came from British Columbia or Alberta or
6 Montana, then we would be involved in an approval for
7 that coal plant. But we would only be involved in an
8 approval for that because it's a plant that's designed
9 to provide energy, not specifically because it burns
10 coal.

11 MR. SANCHEZ: Yeah, there's a couple question behind the
12 -- okay. I think that was all I really, really had.
13 Let me read through this and see.

14 Just a comment that I'm glad we have the
15 resources we have. We have a younger generation
16 that's going to be seeing some changes coming up and
17 really, I sure would like to have a room full of those
18 young people right now just to be able to say, "We've
19 seen the Commission. We sat with the Commission. We
20 know what they're thinking. And here we go."

21 THE CHAIRPERSON: Yes. We would like that too, sir.

22 MR. SANCHEZ: Thank you.

23 THE CHAIRPERSON: Thank you. We could take a short
24 break now, if that seems appropriate. Dan, does that
25 --

26 MR. GEORGE: All right. Thank you. Prior to taking a

1 break, just to give you a directional sense about
2 where the inquiry is going, this is a first of ten
3 sessions throughout the province of British Columbia.
4 We're here today in Ktunaxa territory. We then move
5 to Kelowna, as outlined by our chair, on Wednesday,
6 June 5th of this week, Kamloops on June 6th, Williams
7 Lake on June 7th, Prince Rupert on June 10th, Vancouver
8 on June 12th, Fort St. John on June 25th, Prince George
9 on June 27th, Campbell River on July 3rd, and Victoria
10 on July 4th.

11 And efforts have been made to reach out to
12 the Indigenous groups within each of those different
13 regions, either the Bands, the Nations, Tribal
14 Councils, Tribal Associations, they've been contacted
15 directly and encouraged to participate in the
16 proceedings. There are some provincial entities, like
17 the First Nations Major Projects Coalition, First
18 Nations Energy and Mining Council. They too have been
19 reached out to to participate in the hearings here, as
20 well, to make sure that we get the widest range of
21 Indigenous voices into the inquiry.

22 So again, grateful to be here in Ktunaxa
23 territory. I want to thank the two speakers that we
24 just heard from and we'll break now for -- how about
25 we break for fifteen minutes. We'll reconvene at ten
26 after eleven. Please help yourself to some of the

1 refreshments in the back. Coffee in the back corner.
2 And once again, the rest rooms are outside the main
3 doors here. You meander down to the right, down the
4 stairs, down the hallway to the right. Okay?

5 Thank you.

6 (PROCEEDINGS ADJOURNED AT 10:55 A.M.)

7 (PROCEEDINGS RESUMED AT 11:15 A.M.)

8 (PROCEEDINGS RESUMED AT 11:15 A.M.)

9 **PRESENTATION BY MS. EUNSON:**

10 MS. EUNSON: *[Greeting in non-English language]*

11 My name is Marion Eunson, E-U-N-S-O-N. I
12 am a Mikisew Cree First Nation. I moved to the
13 Ktunaxa territory 38 years ago, so I've adopted this
14 territory as my home. And of those 38 years I've
15 worked 25 years for the Ktunaxa Nation in various
16 capacities. I wasn't going to speak, but I've been
17 encouraged just to share some information.

18 Since 1996 I've worked -- I started working
19 for the Ktunaxa Nation Council in the employment
20 department, so I was very active on working with all
21 the different industries within the Nation, within the
22 territory. And that included players such as BC
23 Hydro, TransCanada, BC Gas in the early days, now
24 Fortis, later Columbia Power Corporation. And
25 independent power producers have approached us also
26 over the various years.

1 As you know, close to 53 percent of the
2 hydroelectric energy is produced from this territory
3 for the province of British Columbia. And what do the
4 Ktunaxa get in return? Not much. So back in the day
5 when the opportunities were being created to redevelop
6 some of these hydroelectric facilities or pursue new
7 opportunities, the easiest thing to pursue is jobs and
8 training. So working for the employment department,
9 that was pretty much my focus.

10 I was not involved in the negotiation or
11 any of those opportunities back in the day, but
12 working on the Aberfeldie Redevelopment Project, that
13 was probably in 1999. Prior to that we had the
14 Revelstoke 4 or Revelstoke 5 project. Then we had the
15 Brilliant -- sorry, the Arrow Lakes Project, then the
16 Brilliant Expansion Project, Mica 5, 6 project.

17 And in 2011 I competed for a position
18 within the Nation called the First Nation Liaison for
19 the Ktunaxa at the Waneta Expansion project. So I was
20 quite project focused in the construction of that
21 facility. And through community benefit agreements
22 between Columbia Power and the partners, and then with
23 the design-build contractor, being SNC-Lavalin. And
24 it was through that design-build contractor that
25 created this opportunity for a liaison to be able to
26 travel and be on site at the Waneta project and go

1 into our Ktunaxa communities and be an advocate for
2 training, employment, contracting.

3 And for myself working with Columbia Power
4 and the partners, being Fortis and Columbia Basin
5 Trust, and the design-build contractors and all their
6 subs, and having such a close relationship being
7 they're based, you know, just in the West Kootenays
8 and they do reach out here into the Ktunaxa territory,
9 a lot of genuine effort was made, right? Because
10 we're neighbours. It's not as though we're some
11 corporate entity out of Ottawa or sometimes even
12 Victoria.

13 I do want to say that nearly a million
14 dollars was earned by Ktunaxa craftspeople as
15 construction trades workers on that Waneta Expansion
16 Project. And that's hard earned dollars. And a lot
17 of those people started out as laborers or apprentices
18 and have since become journey-people and some own
19 their own businesses today, and some are back working
20 on Hydro projects such as Site C. So that's pretty
21 successful.

22 We had contractors, we were able to take a
23 look at the capital plan, the forecast, you know,
24 what's needed to get done on the job, and then take a
25 look at the capacity that we do have within our
26 communities and our people and whether or not it's a

1 strong idea to pursue. One of our Ktunaxa community
2 owned enterprises or development corporations
3 partnered with a company and did the ten kilometre
4 power line at the Waneta Expansion Project, so that
5 was fairly significant.

6 And I'm just going to say it. Anyways,
7 working with BC Hydro is a lot different, right? That
8 Waneta Expansion Project had three partners, Columbia
9 Basin Trust, Fortis primarily, and Columbia Power.
10 And having some genuine frontline people who
11 understand how to build relationships -- and I am
12 aware that since 1996 a lot has changed within the
13 government. You know, there's been court cases,
14 right, influencing industry to take steps in how to
15 build meaningful relationships. BC Hydro, in my
16 personal opinion only, struggles with that. They have
17 a lot of good people, but it's the process that they
18 have.

19 Since 2004 the Ktunaxa Nation has been
20 striving to formally build a framework agreement with
21 BC Hydro. 2004, imagine? June 2019 we're still
22 working on a document. Now we call it a commitment
23 letter, that can lead us to a relationship agreement.
24 The Ktunaxa Nation is very strong in sharing the
25 grievances that they have since the construction of
26 all these hydroelectric facilities on some very

1 precious research called water.

2 BC Hydro and other industries do support a
3 lot of research and they are listening to our
4 concerns. How do we bring the salmon back? How do we
5 manage that, the highs and lows of the river flows?
6 Looking after all living things. I am not a
7 scientist, I am not a fishery biologist, or aquatic
8 biologist, but I am aware of what those benthic
9 vertebrae's, what that means to our ecosystems. I'm
10 not sure what else to share.

11 Indigenous utility regulation. Mr. Morton,
12 you know, I think you mentioned about owning a
13 utility, and what if we were partners? What does it
14 take? Do you acknowledge as Indigenous utility? Is
15 it 50 percent? 50 percent plus one? Gosh. There is
16 -- the Elko dam that I mentioned, it is not currently
17 producing any energy at the moment, but being in the
18 heart of the Ktunaxa nation, we have interest. What
19 can we do? You know, it's going to take time for BC
20 Hydro and the Nation, and others to work together to
21 do that research. And 2016 or '17, BC Hydro decided
22 that the Elko redevelopment project was a no go, for
23 many reasons. But that doesn't mean that we're not
24 interested.

25 The Waneta Expansion project, the recent
26 sale of the original Waneta dam, from TECK to Fortis,

1 and from Fortis to Columbia Power and CBT is of
2 interest to the Nation. Just south of the 49th
3 parallel we've got the Kerr Dam that the tribes to the
4 south of us took over 20 years to acquire ownership.
5 I am of my own mindset that the Ktunaxa Nation will
6 look at a very similar process in becoming owners of a
7 hydroelectric facility within its nation, within its
8 territory. If we can negotiate something, if we can
9 work with the province, and the current owners, how
10 can we do that? It only makes sense. Do we start
11 small? Fraction of a percent? Or a percent, or
12 whatever. But when does it become an Indigenous
13 utility. That will be something very important for us
14 to figure out. And how can we leverage opportunities
15 with our partners.

16 During the break I was speaking with Anna
17 and she asked a question, "Well how will you obtain
18 the capacity to manage these facilities?" Through all
19 these years with working with BC Hydro and all the
20 other utilities, through these relationships, they
21 have offered some support to do feasibility studies,
22 and let's work together. They'll help us map out what
23 our needs are. And whether or not we second or
24 directly employ, we are trying to encourage the youth
25 of the Nation to pursue the possibilities. The world
26 is in their hands. It is not going to happen

1 overnight. We do not have that current capacity. We
2 definitely have the interest. It is in our vision
3 statement, right? To become self-sustainable.

4 If greater than 53 percent of the
5 province's energy generation is borne out of this
6 territory? We need to be a part of that. Thank you.

7 THE CHAIRPERSON: Thank you, Ms. Eunson.

8 Okay.

9 COMMISSIONER BREWER: Thank you very much for your
10 presentation. I guess in terms of your question that
11 you kind of raised, if you do acquire a utility, if
12 you are successful with your vision over time, do you
13 see -- I guess when would you, what would you consider
14 in a partnership to be Indigenous and how would it be,
15 I guess, regulated in your view at this point? Do you
16 have any thoughts on that?

17 MS. EUNSON: A very good question, a very big question.
18 To be short, the answer is no, I don't, but that would
19 be a part of that preliminary feasibility. What are
20 we looking at? These are all the aspects that we need
21 to find out. And especially if it's not going to
22 happen overnight. It's not going to be an automatic
23 Indigenous utility, but who knows, in 20 years, let's
24 say, something amazing comes together. It is a bit of
25 a stretch 20 years from now to think if one of these
26 generating stations does become under the governance

1 and operation from within the Nation, for sure, a
2 hundred percent Indigenous utility. But we would need
3 to attain the teams of people that it takes to better
4 understand how it all works.

5 COMMISSIONER BREWER: Thank you.

6 COMMISSIONER FUNG: I have a question for you, Ms.
7 Eunson. But before I pose my question I just want to
8 thank you very much for stepping up and sharing your
9 experience with us, which I very much appreciate.

10 One of the questions I would like you to
11 think about, and perhaps offer some thoughts on, is
12 what can we, as the B.C. Utilities Commission as a
13 regulator, do to either help facilitate the creation
14 and the operation of Indigenous utilities from a
15 regulatory perspective? And secondly, what is it that
16 we should stop doing in order to put up roadblocks to
17 this happening? So I would just like you to offer
18 some thoughts on that.

19 MS. EUNSON: I think it is great that you are offering
20 these community input sessions. It's the first time
21 in all my 25 years working that jeeze, they're coming
22 to Cranbrook, I better go. Unfortunately, you know,
23 we need more lead time as a collective to better
24 prepare and encourage the people from each of our
25 communities to come. Not just one email, not just one
26 phone call, not just one poster, but find out who can

1 be your advocate.

2 For myself, my current role is industry
3 engagement officer working for the Ktunaxa Nation
4 Council. So I work across all aspects of industry,
5 including forestry. Not so much tourism. We have
6 another tourism specialist. But as soon as I found
7 out that you were coming I spread the word as fast as
8 I could, and unfortunately this week is a very busy
9 work for a lot of our key people. But if you could
10 come back to -- let's say at least these ten regions,
11 because going to each of these community sessions,
12 you're planting a seed, right? If you can come back
13 and nurture that seed and see it grow, I would
14 appreciate that.

15 If we can do small scale workshops. What
16 is BCUC? What does it mean to be a regulatory body?
17 How do you bring your questions forward? And you
18 know, I wasn't going to speak because you guys look
19 scary up there, but you're all human and so are we.
20 So how to break it down into real conversations,
21 right? And maybe find topics of relevance, not just
22 the whole net. You know, narrow it down, what's
23 important to that Nation. That would be helpful.

24 COMMISSIONER FUNG: Thank you very much.

25 THE CHAIRPERSON: I just have a couple of questions.

26 You were talking about just south of the border there

1 was some transaction between the tribe south of the
2 border to do with the dam. Could you just talk a
3 little bit more about that? I didn't quite catch it.

4 MS. EUNSON: Yeah, unfortunately I don't have my cheat
5 sheet notes. I believe the dam is called the Kerr
6 Dam. Sorry.

7 THE CHAIRPERSON: That's okay.

8 MS. EUNSON: I believe it's the Kerr Dam and it's in
9 Montana, is my understanding. In the beginning the
10 local tribes -- a very significant river flowing right
11 through their tribe, and huge electric, hydroelectric
12 facility. They expressed interest and they worked out
13 an agreement. Over time they work to build capacity,
14 work to build and meet all the expectations of what it
15 takes to run such a facility. And I believe it was a
16 year and a half ago that they finally attained full
17 ownership.

18 And I apologize. I'm not prepared.

19 THE CHAIRPERSON: That's okay. No problem. Do you
20 know who owned it prior to that? Was it a utility, or
21 an Army Corp of Engineer's dam? If you don't know
22 that's fine, I was just curious.

23 MS. EUNSON: Yeah, good questions. For sure, you'll
24 find it on the internet.

25 THE CHAIRPERSON: Okay, that's fine, thanks.

26 MS. EUNSON: Pete?

1 MR. SANCHEZ: She was referring to the Salish/Kootenay
2 tribe down in Montana. Actually it's the Salish
3 slash Kootenay.

4 THE CHAIRPERSON: Okay.

5 MR. SANCHEZ: Oh, I'm sorry. Yes, I'm Pete Sanchez,
6 community member.

7 THE CHAIRPERSON: Thank you, sir.

8 MS. EUNSON: If you don't mind, and I again apologize for
9 not bringing this material, but if you could look it
10 up, and if you can't find it, you know, can you send
11 me an email or whatever and I'll definitely get that
12 information to you.

13 THE CHAIRPERSON: Sure. Thank you, I appreciate that.

14 COMMISSIONER FUNG: And the other way that perhaps we
15 could leave it is, if you do find additional
16 information that you have that you would like to share
17 with us, please feel free to send it onto the
18 Commission through our Commission secretary and we can
19 post it as part of your presentation, if you'd like.

20 MS. EUNSON: Perfect, I will do that.

21 COMMISSIONER FUNG: Thank you.

22 THE CHAIRPERSON: Okay, great.

23 MS. EUNSON: Thank you.

24 THE CHAIRPERSON: Thank you very much. Thanks to you
25 both.

26 MR. GEORGE: Thank you very much. Any more

1 presentations you'd like to be made here this morning?

2 Any more?

3 Seeing none, we'll just pause then until
4 lunch time at noon. Lunch will be brought in at noon.
5 We'll have our lunch break from 12:00 till 1:00 p.m.
6 and we'll reconvene formally back at 1:00. Thank you.

7 (PROCEEDINGS ADJOURNED AT 11:42 A.M.)

8 (PROCEEDINGS RESUMED AT 1:00 P.M.)

9 MR. GEORGE: I want to acknowledge the speakers that we
10 heard this morning that gave presentations to the
11 Commission. It doesn't look like we're going to have
12 anybody necessarily walk in now to give us a
13 presentation. So what we want to suggest is that we
14 suspend the meeting now, and unless you, sir, are you
15 interested at all? No? You're good?

16 I want to thank the presenters, the one
17 from the ?aq'am Development Corporation speaking about
18 the solar project which is specific to ?aq'am, simple,
19 low impact. The move towards greater self-sufficiency
20 and revenue generation. Ktunaxa Nation, part of their
21 vision is a self-sustaining economy. In fact, self-
22 sufficiency is nested within the Ktunaxa Nation vision
23 statement.

24 We heard today about the different
25 partnerships, strategic alliances and relationships
26 that are required to participate in this space,

1 particularly with municipalities and energy providers.

2 We also heard today about the youth
3 demographics. I think if you look at the demographics
4 of the Indigenous community, the majority of our
5 people are below the age of 25. Greater efforts are
6 suggested to the Commission and our team to try and
7 reach out to young people, because essentially the
8 subject matter that we're talking about here today
9 impacts our young people now and into the future.

10 It was interesting to hear from our third
11 presenter, that 53 percent of the hydroelectric energy
12 produced from this territory for the province from
13 this territory with minimal return to the Ktunaxa.
14 And again a lot of kudos to those groups that work
15 cooperatively and collaboratively together,
16 recognizing that relationships are the only currency
17 that we trade in.

18 A lot of talking about the ecosystem, and
19 we understand a lot of the Indigenous values that our
20 people bring to the table are largely around
21 sustainability and being one with the land, the air
22 and the water, and all the land, the air, and the
23 water contains. And essentially, we were asked the
24 question which we posed back -- which we are going to
25 pose back to participants throughout the journey
26 throughout the province is, where do we start, what

1 are the small steps to move us towards an Indigenous
2 utility? Essentially that is the nub that we're
3 trying to get at, in terms of the work that we're
4 doing here through the community input sessions.

5 And we know that the development of
6 capacity on behalf of the Indigenous community, and
7 the development the capacity on behalf of a
8 government, and industry and neighbours within
9 traditional territories is required as well if we are
10 to be successful.

11 And in the brief summary that I am
12 providing here, I will close with a quote that was
13 provided, that essentially we are here planting a seed
14 through the community sessions, and a suggestion was
15 made to us about how we come back and nurture that
16 seed in terms of creating a feedback loop.

17 So I want to thank you for taking the time
18 to be here with us this morning. Thanking again the
19 three presenters that we heard from, and maybe if
20 there is any comments from the Commission prior to
21 wrapping it up.

22 Dave, did you want to make any comments?

23 THE CHAIRPERSON: No, thanks Dan, I would just like to
24 echo my thanks for those of you that came out and also
25 that made a presentation, we appreciate it. And wish
26 you all have a great remainder of the day, and safe

1 travels. Thank you.

2 MR. GEORGE: Thank you, and thank you to Katherine
3 Tenise, the chair of the Ktunaxa Nation Council. I
4 want to on behalf of our team from the Commission, the
5 commissioners, acknowledge *Nasu?kin* Joe Pierre and his
6 council from *?aq'am* which is adjacent here to this
7 beautiful facility that we stayed in last night.
8 Again, thank you very much, and if you have any
9 written submissions that you'd like to make, please
10 check the BCUC website and there is going to be a
11 process that you can do that. So thank you once
12 again.

13 (PROCEEDINGS ADJOURNED AT 1:06 P.M.)

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

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A.B. Lanigan, Court Reporter

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June 5th, 2019

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