

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

KAMLOOPS, B.C.
June 6, 2019

Community Input Session

BEFORE:

A. Fung, Q.C.,	Panel Chair
C.M. Brewer,	Commissioner
B. Lockhart,	Commissioner

VOLUME 3

	<u>INDEX</u>	
		<u>PAGE</u>
VOLUME 1, JUNE 3, 2019 - CRANBROOK		
PRESENTATION BY MR. McCURRY	2	
PRESENTATION BY MS. EUNSON	19	
VOLUME 2, JUNE 5, 2019 - KELOWNA		
PRESENTATION BY MR. CAWLEY	35	
PRESENTATION BY MR. FODEN	78	
PRESENTATION BY MR. ALEXIS	55	
PRESENTATION BY MS. DERRICKSON	64	
VOLUME 3, JUNE 6, 2019 - KAMLOOPS		
PRESENTATION BY MR. MATTHEW	69	
PRESENTATION BY MS. MANUAL	103	
PRESENTATION BY MS. HOOPER	114	
PRESENTATION BY MR. GOTTFRIEDSON	132	

KAMLOOPS, B.C.

June 6, 2019

3 (PROCEEDINGS COMMENCED AT 10:00 A.M.)

4 (INTRODUCTION AND BACKGROUND GIVEN)

5 THE CHAIRPERSON: Thank you very much, Laura, for that
6 background.

I want to begin by saying on behalf of the
B.C. Utilities Commission and all those gathered here
today, by echoing our thanks to Councillors Thomas
Blank and Justin Gottfriedson for welcoming us here to
your beautiful unceded territory of the Tk'emplups te
Secwepemc First Nation. We are honoured and delighted
to be here.

14 And as the panel appointed to this inquiry,
15 we are here to listen to your feedback today on the
16 matters before the inquiry. During the breaks and
17 over lunch today, members of the panel, as well as
18 stuff from BCUC, may be speaking to you informally.
19 However, if there are issues that you feel we need to,
20 all of us, listen to, that are relevant to this
21 inquiry, we ask that you direct your remarks before
22 the audience here today so that we can all hear what
23 you have to say, and so that your remarks can be
24 properly and accurately transcribed for the record of
25 this proceeding. This will help us ensure that the
26 proceeding remains open and transparent for the

1 benefit of everyone who may be affected by this
2 inquiry.

3 With that said, I thank you in advance for
4 your participation and urge all of you who are here
5 today to share your views with all of us who are here
6 today to listen to you.

7 Before I invite the first speaker to come
8 up, I'd like to introduce you to our external legal
9 counsel, Lino Bussoli, who is here today to keep all
10 of us on the straight and narrow. Good luck, Lino.

11 Now, if you can just wave or stand up so
12 that people can identify you that would be great.

13 And now, with that said, I invite the first
14 registered speaker to please come up to the podium,
15 have a seat and state your name and spell your last
16 name for the record.

17 MR. MATTHEW: Good morning.

18 THE CHAIRPERSON: Good morning.

19 PRESENTATION BY MR. MATTHEW:

20 MR. MATTHEW: My name is Keith Matthew, K-E-I-T-H M-A-T-
21 T-H-E-W. I'd like to welcome the B.C. Utility
22 Commission to the unceded traditional territory of the
23 Simpcw people, in particular the Tk'emlups te
24 Secwepemec, my relatives who are here. It's good to
25 see them. It's good to see that BCUC is recognizing
26 our territory.

1 And I'm the chair of the Simpcw Resources
2 Ltd. My community is about 45 minutes north of here
3 on the Yellowhead Highway, and I'm from the Simpcw
4 First Nation. S-I-M-P-C-W, for the record. And our
5 territory, with all due respect to my relatives that
6 are here, is about halfway between here, Kamloops, and
7 Barriere. It goes all the way up to -- along the
8 Bonaparte Plateau up to McBride, over to Jasper, into
9 Alberta and back down this way over to Sun Peaks and
10 then back almost in a straight line.

11 So my community, the Simpcw First Nation,
12 we are caretakers of that particular territory. I
13 have one piece of information I need to grab from my
14 binder. Just give me a minute.

15 I apologize. I know we've only got fifteen
16 minutes, is that correct, for our presentation?

17 THE CHAIRPERSON: Please don't feel rushed. Take your
18 time, as you need it.

19 MR. MATTHEWS: Thank you for that. I appreciate it.

20 So as I mentioned, I'm the chair of the
21 Simpcw Resources Limited and I have lived most of life
22 on my reservation and continue to live and work in
23 what we call Chu Chua. That's my home.

24 I'm very happy that you have chosen this
25 wonderful venue for these hearings. As Councillor
26 Gottfriedson noted, this beautiful building is

1 designed after our winter pit homes. We call them
2 kekulis and on top of the building, if you take a
3 moment, you'll see there's a coyote is positioned to
4 oversee these proceedings. And in our way of
5 thinking, the Simpcw people, the Interior Salish
6 People – Caroline, you would know this as well – he's
7 called Sek'lep in your territory. In our territory
8 he's called Sk'elep. But he was the one that was sent
9 by the old one, the creator, Tqelt Kukwpi7, to help
10 guide us as Secwepemc people, teach us how to live on
11 the land. So this is a very very important building
12 for us. It's built with respect around our traditions
13 and culture as Secwepemc people, and to have Coyote
14 overseeing these discussions is very very important.

15 So I'd like to read out our vision, mission
16 and guiding principles for the Simpcw Resources
17 Limited. So our mission and vision:

18 "The purpose of SRLLP, Simpcw Resources Limited
19 Partnership is to help create a community that
20 fosters respect, pride and self-sufficiency
21 using sustainable and environmentally
22 responsible methods that honours the culture of
23 the Simpcw First Nation."

24 The guiding principles for our development
25 corporation:

26 "The mission of SRG is supported by a set of

1 guiding principles to help govern the
2 organization's decision making and behaviour."

3 Preservation of Simpcw culture and heritage
4 is number one. Respect for environment.
5 Sustainability of resources. Control over business
6 risk, respecting that we are a community organization;
7 and we are to provide a healthy environment for
8 economic and social benefit for the people of Simpwc
9 First Nation.

10 Simpwc Resources LLP expects those we do
11 business with to respect the vision, mission and
12 guiding principles of SRLLP and Simpwc First Nation.

13 So it's important that you understand who
14 we are. And we've got an arm's-length relationship
15 between our development corporation board of directors
16 and our chief and council. I'm not here speaking on
17 behalf of our chief and council, obviously. We don't
18 have that delegated responsibility.

19 So under the United Nations Declaration of
20 Rights of Indigenous Peoples -- and I know that the
21 current government in British Columbia espouses the
22 document. And I want to read out a couple of passages
23 that are very important for us as Indigenous peoples.

24 So under the Human Declaration of Rights of
25 Indigenous People Article 18:

26 "Indigenous peoples have the right to

1 participate in the decision-making in matters
2 which would affect their rights, representatives
3 chosen by themselves in accordance with their
4 own procedures, as well as to maintain and
5 develop their own Indigenous decision-making
6 institutions."

7 So we have our own institutions in my
8 community and we're in the process of de-colonizing.
9 And part of that decolonizing process is setting up
10 our own institutions that look after our best
11 interests. And just like BCUC is set up to look after
12 the interests of British Columbians, we have our own
13 institutions and those institutions are made up mostly
14 of our own people. We have our own experts that work
15 with us as well in business and law and other areas.
16 Environmental protection notably.

17 So that's what Article 18 means for us in a
18 practical sense.

19 Article 19 and Article 20. So Article 19:
20 "States shall consult and cooperate in good
21 faith with the Indigenous peoples concerned
22 through their own representative institutions in
23 order to obtain their free, prior and informed
24 consent before adopting and implementing
25 legislative or administrative measures that may
26 affect them."

1 So to us what that means is exactly what
2 we're doing here today. You've got the B.C. Utilities
3 Commission. It was set up without our informed, or
4 much less, our participation and we're trying to fit
5 basically a square peg in a round hole from our
6 perspective, from our world view.

7 So respectfully, we are participating today
8 to try and make a situation that, not of our own
9 making, make it something that conforms to what we see
10 as Indigenous people who live in the North Thompson
11 Valley.

12 Article 20:

13 "Indigenous peoples have the right to maintain
14 and develop their political, economic and social
15 systems or institutions, to be secure in the
16 enjoyment of their own means of subsistence and
17 development, and to engage freely in all their
18 traditional and other economic activities."

19 So what that means to my community, we have
20 our own consultation accommodation framework, and we
21 work with West Coast Environmental law, and it arose
22 because of the Haida, Taku and Mikisew Supreme Court
23 of Canada decisions.

24 And within that consultation accommodation
25 framework it talks about who we are as Indigenous
26 peoples, in particular the Simpcw First Nation, and

1 it's important to recognize that again because the
2 Supreme Court of Canada's decisions talked about how
3 utilities like the BCUC -- or pardon me, the
4 regulatory commission would work with us as Indigenous
5 peoples. And that's really important for us because
6 in 1910 my people, along with the other Indigenous
7 people, the other Interior Salish speaking peoples, we
8 talked about our hopes and dreams, and the hopes and
9 dreams that we talked about were contained in the
10 memorial to the Sir Wilfred Laurier.

11 That memorial to Sir Wilfred Laurier is
12 enshrined in history and basically what it said -- and
13 I'll give you a little bit of a history lesson here
14 because I think that's important. What we said to Sir
15 Wilfred Laurier, who was on a trek across Canada
16 trying to get re-elected as the Prime Minister, and we
17 had our ethnographer, and he was fluent in a number of
18 different Interior Salish languages, notably (speaks
19 language names). Those are the four tribes of the
20 Interior Salish-speaking peoples.

21 And in that document we talked about how --
22 it was our Indigenous manifesto. So what we talked
23 about in that manifesto was about how we wanted to be
24 treated as Indigenous peoples. And basically it said
25 that we would share in all the resources equally and
26 that we would hold each other up to be great and good.

1 So I want to remember those statements that
2 were made by my forefathers, indeed the forefathers of
3 my relatives who are here today. Carolanne as well,
4 as an interior Salish-speaking person.

5 We talked about how we wanted to be treated
6 by the government of Canada. But more importantly we
7 wanted to define the way we wanted to be included in
8 this confederation of British Columbia. And again,
9 it's important to note I think for the record, that
10 Mr. Wilfred Laurier lost the next election, and
11 history has repeated itself again and again, because
12 we had put on the table how we wanted to be dealt with
13 as Indigenous peoples and Sir Robert Borden, who was
14 the next Prime Minister of Canada, he disregarded all
15 those presentations that we had made. We had spent a
16 lot of time and effort back in the early 1900. It was
17 hard to get around. You had to get around by horse
18 and buggy, and get together. And it was against the
19 law for us to congregate as well, as Indigenous
20 peoples. So we did that in spite of the law not
21 recognizing us and our rights and title.

22 So further to -- just a little bit further
23 to Article 20.

24 "Indigenous peoples deprived of their means of
25 subsistence and development are entitled to just
26 and fair redress."

1 I think that's really important to note today as we
2 talk about utilities and our attempt by our people to
3 use utilities as a way to help address some of the
4 most pressing issues in our communities here in
5 British Columbia.

6 And I'm going to read you some statistics
7 that are quite shocking. So:

8 "Canada's First Nations endure labour market
9 conditions that are markedly worse than those
10 experienced by other populations in Canada.
11 They enter the labour market with lower levels
12 of education and literacy, experience more
13 unemployment, remain out of the labour force at
14 higher rate, are more dependent on part time and
15 seasonal work. Their earnings from employment
16 are less and they depend more on government
17 transfers."

18 That's important. That's a very very important point.
19 They depend more on government transfers.

20 So I want to let you know that my
21 community, Simpcw Resources Limited, and the work that
22 we have to do with our development corporation, we are
23 attempting to change that. And it's part of our self-
24 government aspirations. Because with our own sourced
25 revenues we can spend money on issues that are
26 important to your community, not ones that are

1 prescribed or iterative of government run programs
2 where you have to focus on certain areas.

3 So for instance, in my community what we've
4 done is we've set up our own -- one of our own
5 institutions. It's a trust, and that trust is -- one
6 of the aims and objectives is to provide our own
7 resources and funding generated by our own source
8 revenues through our development corporation that
9 focus on the rebuilding of our language and culture
10 and history.

11 And if you look at government transfers, we
12 have -- we are the most scrutinized segment of
13 Canadian population. We have to send in reports about
14 everything to ISC. I think that's their name, these
15 days, Indigenous Service Canada. I'm not sure. I
16 don't deal with them for good reason. Even though I'm
17 a ward of the state as an Indigenous person, I have a
18 Band number and I'm a member of my community in good
19 standing, but those status cards are relics of the
20 past.

21 So I left off that we depend more on
22 government transfers. First Nations people suffer
23 from a level of disadvantage in Canada that has been
24 well-documented. I think at this point everyone has
25 seen that -- well, I don't know if you've seen the
26 report on the Missing and Murdered Indigenous Women.

1 They talk about the level of disadvantage that
2 segments of our population are unfairly discriminated
3 against, and in fact, the word "genocide" was used to
4 describe, you know, some of the states of our
5 population. And I don't think that's overstating the
6 case, quite honestly.

7 This marginalization is destructive in
8 human terms, undermines democracy in Canada and for
9 First Nations and is a huge economic loss for Canada
10 as well as a stain on its reputation.

11 For First Nations, only 57.4 percent of the
12 population 15 years and over have completed high
13 school compared to 76.9 percent for non-Aboriginal
14 Canadians. Only 25.4 percent have college diploma or
15 trade certification, versus 29.1 percent for non-
16 Aboriginal Canadians. And only 9.1 percent have a
17 university degree, certificate, or diploma completed
18 compared to 25.8 percent for all Canadians.

19 The employment rate for First Nations is
20 46.4 percent compared to a rate of 61.2 percent for
21 non-Aboriginal Canadians. Median income from all
22 sources for First Nations is \$17,903, compared to
23 \$30,195 for non-Aboriginal Canadians. The rate of
24 dependency for First Nations is higher than for non-
25 Aboriginal Canadians. 22.4 percent of income is from
26 government transfers as opposed to 12.2 percent

1 respectively, and for 42.5 percent of First Nations.
2 Government transfers are the main source of income.
3 While this rate is only 25.6 percent per non-
4 Aboriginal Canadians.

5 And you're probably wondering, well, why,
6 why am I stating or putting on the record these
7 statistics? And all these statistics are from the
8 2011 National Household Survey, Statistics Canada.
9 And I would say that those statistics are skewed
10 because most First Nations people don't participate in
11 census, by and large.

12 So you had some questions about should
13 Indigenous utilities be regulated under BCA or another
14 mechanism. And I want to get around to that. But, so
15 what are the defining characteristics of Indigenous
16 utilities? We haven't yet got into ownership of our
17 own utility, but we're very keen on getting into the
18 field. For the most part, Simpcw Resources
19 Development Corporation is involved in logging, we are
20 contract loggers. We own our own five year non-
21 renewable forest licences. We have interest in
22 independent power projects in the valley, up the North
23 Thompson valley. We've got agreements with Kinder
24 Morgan Canada. And for the most part, we are very
25 proud of the fact that my community is made up of
26 loggers and pipeliners.

1 And given the fact that there is huge
2 layoffs in the forest industry right now, because of
3 the climate changing, bugs, the annual allowable cut
4 was increased to compensate for the bugs that were out
5 in the forests. Now the issues have come home to
6 roost for us as British Columbians, especially those
7 of us in rural communities. And in my rural community
8 we're going to feel that impact directly. And I know
9 that is not part of your purview, but that is a
10 reality that we have to live with, as Secwepemc people
11 living in a rural situation.

12 And I need to state that for the record,
13 because that's the situation that we're in. We are
14 loggers and pipeliners. So when you ask questions
15 about utilities, we'd like to get into the field and
16 we fully intend to.

17 On the bigger question of who would own it
18 and things like that, my community owned development
19 corporation does not yet have our own Indigenous
20 utility. Its aspirational, we're planning on entering
21 the field, and would not like our title and rights to
22 be compromised by regulation without our consent. We
23 reserve the right to define our ownership in whatever
24 form that may take, whether it is wholly or partly
25 owned by my community.

26 To answer some of the other questions that

1 you have, minimum threshold, 51 percent, obviously
2 control of the utility would be important for us.

3 So, if there are partners, what would the
4 implications of the ownership split be? We need to
5 find financing for these JVs or whatever form those
6 partnerships will take, and that would define what the
7 splits would look like. Financing is the big thing,
8 finding commercial financing. Who would operate the
9 utility? We would think it would be a general
10 partner, defined by our partnership agreements with
11 whoever we're partnered with. How would decisions be
12 made? Jointly.

13 Some of the other major questions that you
14 ask, what types of services would be provided by
15 Indigenous utilities? Obviously tying into the grid,
16 wheeling rates, all those other issues need to be
17 dealt with from our perspective, so they are conducive
18 for us to utilize the infrastructure that is out there
19 that is owned by all British Columbians.

20 The persons to whom services are provided
21 by the Indigenous utilities, obviously the general
22 public. We don't want to limit ourselves. That
23 doesn't make any sense, you know. If we're entering
24 into market conditions that we have to sell to the
25 general public, it's much more advantageous rather
26 than trying to limit ourselves to certain segments of

1 those markets.

2 And the geographic areas served by
3 Indigenous utilities, obviously British Columbia. And
4 if there is other ways for us to participate in green
5 energy and having opportunities to charge higher rates
6 for green power into other markets? Notably those in
7 the U.S., that is where we'd like to focus some of our
8 time and energy. Because if you can get a higher
9 return on that, those tolling rates and whatnot, just
10 makes more sense for us to do that.

11 Should Indigenous utilities be regulated
12 under the *UCA* or under another mechanism? Obviously
13 some of these questions are very leading, and not
14 being a lawyer like most of the panel is, I answer
15 this with a lot of trepidation. Because there are
16 unintended consequences as a result of us being
17 regulated under the *UCA*, especially because we had no
18 hand in developing these regulations, or any of the
19 ways that the regulations would impact our title or
20 rights. And like I mentioned off the top, we haven't
21 been, I guess accommodated. And by accommodation I
22 mean the recognition that my community is on unceded
23 territory. We are still hold the view that we own all
24 the resources in our territory 100 percent.

25 So, when you ask questions about being
26 regulated, it's not of our own making, and we will

1 need to protect ourselves legally, so that our title
2 and rights aren't fettered by the regulation.

3 If it is appropriate to regulate Indigenous
4 utilities, is there any matter under the *UCA* in
5 respect of which Indigenous utilities should be
6 regulated differently from other public utilities.
7 And if so, how should that matter be regulated. I
8 think it is important, and I see Ms. Brewer is part of
9 your discussions. So, in terms of us being regulated,
10 I think the B.C. Utilities Commission needs to reflect
11 the fact that we weren't part of your decision making
12 in terms of setting up your structure, but we need to
13 restructure it in terms of our title and rights. And
14 I am reminded of the time I made presentations to the
15 National Energy Board. And the National Energy Board
16 was ill-equipped to deal with questions around title
17 and rights, especially in a B.C. context. So when you
18 have a regulatory authority that doesn't understand
19 our title and rights and is seeking to regulate our
20 inclusion into the Indigenous utilities realm, we have
21 to be very very careful.

22 But we recognize the need for
23 standardization, and especially around safety
24 standards and reliability. We recognize the need for
25 that. So we would participate in those particular
26 areas to the best of our abilities.

1 And there's a couple more questions. If
2 it's not appropriate to regulate Indigenous utilities
3 under the *UCA* but it appropriate to regulate
4 Indigenous utilities in some manner, how should
5 Indigenous utilities be regulated? Again, we need to
6 sit down and talk about the form and structure of the
7 BCUC and how it meets the standards of Human
8 Declaration Rights of Indigenous Peoples.

9 And if we can't do that, then our
10 participation would probably be impaired because of
11 that. And I'm talking about Indigenous people of
12 British Columbia.

13 If an Indigenous utility is not regulated
14 under the *UCA*, would the utility become subject to the
15 *UCA* on ceasing to be an Indigenous utility? And if
16 not, what transitional and other mechanisms are
17 required to ensure that the utility is subject to the
18 *UCA* on ceasing to be an Indigenous utility.

19 Again, we need to sit down and talk about
20 all these issues and find common ground, and we need
21 to find a place where our title and rights and our
22 view points, our world view, is included on all these
23 regulatory decisions in a meaningful way.

24 I think that answers most of the questions
25 that you have on your circular. I'd like to thank you
26 for this opportunity to present to this hearing. And

1 again, it's good that you've come to our territory,
2 the Secwepemc people, and shown us the respect that I
3 think we deserve. Because we've been waiting for
4 inclusion in all these processes very very patiently.
5 And if you don't do that, I'll guarantee that the
6 lawyers in this room are going to be talking to our
7 representatives and not in a fashion that's
8 collaborative, but ones that's in court of law where
9 there's winners and losers. We don't need that. We
10 don't need to spend more time on court cases that talk
11 about these issues.

12 We need to get on to the business of
13 finding ways to include us as Indigenous peoples in
14 the economy of British Columbia in a meaningful way.
15 That's quite the task you have, because I know you're
16 not politicians. And these things -- I know that the
17 politicians are going to be reading this and I want to
18 thank you for your time and just the fact that you are
19 doing things the proper way by having our Indigenous
20 people included. That's all we've asked. That's all
21 we've asked for, is respect. Mutual respect, that's
22 how we define it.

23 So I want to thank you very much for this
24 opportunity. Hands up to my brother who's conducting
25 these -- helping you with these hearings, Dan and his
26 staff and all of the staff that you have here today.

1 Because it's an important job that you have in front
2 of you and I respect that and I encourage you to try
3 and find a way to help us. In the words of my
4 forefathers, to be great and good. (*speaks in non-*
5 *English language*).

6 THE CHAIRPERSON: Thank you very much, Mr. Matthews. We
7 really appreciate what you've shared with us today and
8 I can assure you that from my own perspective, I've
9 learned a lot, so -- and I'm very grateful for your
10 presence today.

11 Now, may I ask if you would be prepared to
12 answer some questions from the panel?

13 MR. MATTHEW: Absolutely.

14 THE CHAIRPERSON: Thank you. So I'm going to turn it to
15 Carolann first and then Blair and then I have some
16 questions of my own.

17 MR. MATTHEW: Please.

18 COMMISSIONER BREWER: Thank you very much. That was an
19 excellent presentation and I very much appreciate it.

20 In terms of the institutional development
21 that you're thinking -- or that you talk about. I
22 guess, we of course, we have fairly limited authority
23 but we can give some recommendations. And I'm
24 wondering, when you're thinking of the institutions
25 that would potentially regulate this sector, how would
26 you see that potentially developing? And I'm talking

1 about even process related prior to the institutional,
2 you know -- I recognize that you probably need time to
3 think about the actual institution. But maybe you
4 could maybe say some words about that?

5 MR. MATTHEW: Sure. Thank you very much for the
6 question. I think it's really important to understand
7 how some of these issues impact my community. In
8 particular my community, along with a lot of other
9 First Nations' communities, don't have access to
10 natural gas. And the reason that's important for us
11 -- the reason that's important for us is we have, in
12 my community, wood heat along with electricity. And
13 the reason I say this is because some of our Elders
14 who live on limited incomes are paying up to \$1,000
15 every two months for electricity.

16 And that's huge for my community because it
17 puts a strain on the Elders. And there has to be a
18 way of helping my community deal with some of those
19 issues through utility regulation. Whether it's
20 allowing us to develop our own utilities that can help
21 those in greatest need.

22 And that's not part of your agenda, that's
23 part of our agenda. When we talk about developing our
24 own institutions, that's what we want to do. It's
25 rooted in our cultural ways and understandings as
26 Indigenous peoples, because no one got left behind.

1 Or those people who couldn't look after their own
2 basic needs, we were there to support them.

3 So I hope that answers your question. But
4 I think more fully, if there are ways to -- us to
5 redraft Utilities Commission and some of those other
6 institutions that have a huge impact on our
7 communities, I think we'd be open to that. Because
8 it's important for us, especially given the fact we're
9 in an economy that in the rural areas, it's really
10 suffering, really really suffering.

11 COMMISSIONER BREWER: Just to follow up on that -- thank
12 you for that answer. In terms of a process to -- if
13 we were to recommend that there was some kind of a
14 process to redraft the *UCA* to look at this in
15 particular, would you have any suggestions in terms of
16 how -- what kind of a process we might use to do that?

17 MR. MATTHEW: I think the process that you'd have to
18 engage in is much like the hearings that you have
19 today, but more focused on -- there's other experts in
20 the room. Dan is one of them, he works with all of
21 the Indigenous people across the province, and there's
22 203 First Nations.

23 And I think there would be, have to be a
24 concerted effort to engage them in a process -- and I
25 understand that you're doing a report and those
26 recommendations are going to come out. That's going

1 to go to the government. And then another process
2 would have to start, obviously, around potentially
3 redrafting some of those terms and conditions for the
4 BCUC and inclusion of our title and rights.

5 And I think that's what's contained in the
6 *UN Declaration on the Rights of Indigenous Peoples*,
7 talking about informed consent and all those important
8 principles, and including those as a baseline of
9 information for how you deal with First Nations'
10 issues. And it sounds complicated, but I think in
11 practical terms, you need to sit down and talk to us,
12 and how do we see ourselves being involved in making
13 the province of British Columbia the best place in the
14 world to live for all of us. So that's what we're
15 talking about in my estimation.

16 THE CHAIRPERSON: Thank you. Blair?

17 COMMISSIONER LOCKHART: Thank you very much, Mr. Matthew.
18 I appreciate the effort that you've put into your
19 submissions. They're very helpful; they're very
20 interesting and it's very comprehensive.

21 In terms of any form of regulation of
22 utilities, in particular Indigenous utilities, are
23 there elements of the current system of regulation
24 that First Nations would like to change or that you
25 see could be changed to be more inclusive of
26 Indigenous utilities?

1 MR. MATTHEW: We've had some experience dealing with BC
2 Hydro and I don't think that's part of the scope of
3 your discussions, but --

4 COMMISSIONER LOCKHART: You're welcome to --

5 MR. MATTHEW: Yeah, it really colours our perception of
6 how the Utilities Commission should be operating
7 because we've been trying to deal with the issue of
8 just having one power line up the valley. And that's
9 a huge limiting factor economically speaking. And we
10 need, our valley needs help, the North Thompson
11 Valley.

12 And we've looked at ways of tying in other
13 sources of power into the valley that would allow more
14 development within the economic sector. But some of
15 the prices that we've been quoted from BC Hydro are
16 outrageous. And we did our own private study on a
17 line that would allow us to do that and the difference
18 was \$220 million that was quoted by BC Hydro. And the
19 private sector approach that we would recommend taking
20 was \$50 million dollars. There's a marked difference.
21 And it was huge because, when you're dealing with a
22 monopoly like BC Hydro you can't do anything
23 otherwise. And it's had a huge impact on, not only
24 our community, but all those communities up and down
25 the valley.

26 And I'm not sure that that answers your

1 question, but those are the realities that we're
2 dealing with in my territory. And it's negative, to
3 say the least, because money is hard to come by to do
4 these types of projects. If you're doing them on
5 commercial terms and when you're dealing with them on
6 commercial terms, most of the banks will not even
7 touch that because of that.

8 So we've got our own fair share of
9 experience dealing with funding sources and trying to
10 cobble together the resources to do these types of
11 things. But it's awfully hard to find that.

12 So, I know I didn't answer your question,
13 but that's the situation we find ourselves in.

14 COMMISSIONER LOCKHART: In fact you answered my question
15 very nicely and I appreciate that. It's further
16 information for us to consider. Thank you.

17 THE CHAIRPERSON: Mr. Matthew, I just have a number of
18 questions. I hope you will bear with me. First is, I
19 just want to understand what is the nature of Simpcw
20 Resources Limited? Is it a corporation that's wholly
21 owned by the Secwepemc First Nation? Or is it partly
22 owned by the First Nation or by individual band
23 members? I just want to understand what the structure
24 is.

25 MR. MATTHEW: Sure, fair enough. So, yes we're wholly
26 owned by my community. That's the best way to

1 describe it. And we've got a delegated authority from
2 my chief and council. And we have a trust
3 responsibility between ourselves and my community.

4 So we have annual audits. We present that
5 to our community and annual communication with my
6 community members. Plus we have other, I guess, forms
7 of communication. We've got our own website. We do
8 our own newsletter. And to answer your question, yes,
9 we are 100 percent owned by my community.

10 THE CHAIRPERSON: Now, you had made mention of a similar
11 entity that's called Simpcw Resources Limited
12 Partnership, is that correct? Does that entity also
13 exist?

14 MR. MATTHEW: Yes, it does.

15 THE CHAIRPERSON: And what is the ownership structure of
16 that partnership?

17 MR. MATTHEW: It's the legal entity for our -- there's a
18 group of companies under Simpcw Resources Limited. So
19 we have a management committee, of which I'm the
20 chair, and we control all of those different entities
21 under SRLLP. And it's a structure to protect
22 ourselves legally and manage risk.

23 THE CHAIRPERSON: And do you report to a separate board
24 of directors that are not necessarily chief and
25 council as I understand it?

26 MR. MATTHEW: No, we've got our management committee,

1 which we have a member of my chief and council who
2 sits on the management committee or our board of
3 director for -- SRG and SRLLP are pretty much the
4 same.

5 THE CHAIRPERSON: Virtually the same?

6 MR. MATTHEW: Yeah, yeah.

7 THE CHAIRPERSON: Okay, great.

8 MR. MATTHEW: And excuse me for the confusion, but our
9 delegated authority is that we answer to chief and
10 council.

11 THE CHAIRPERSON: But you also have a development
12 corporation that's part of that group, is that
13 correct?

14 MR. MATTHEW: That's our legal entity, yes.

15 THE CHAIRPERSON: All right, and that's also wholly owned
16 by the First Nation?

17 MR. MATTHEW: Yes.

18 THE CHAIRPERSON: Thank you. You had mentioned that you
19 have a number of IPP projects that are currently
20 underway. Who are they with?

21 MR. MATTHEW: They're not underway. There's options on
22 those IPPs because of the nature of the industry right
23 now. They're not doing much.

24 THE CHAIRPERSON: Okay, so you have options?

25 MR. MATTHEW: Yes, we do.

26 THE CHAIRPERSON: I'm curious, why is there no natural

1 gas to your community?

2 MR. MATTHEW: We're on the wrong side of the river and
3 it's pretty expensive to do extensions of line. It
4 goes as far as Sun Peaks. We're about, probably 40
5 kilometres away as the crow flies. But as you're
6 probably well aware, it's a little bit hard to do
7 linear projects in British Columbia. But given the
8 situation that we're in in terms of my community, if
9 we advanced that particular project, we would be
10 answerable to my community and a couple of other non-
11 native communities as part of the regulatory process.
12 And I'm pretty safe in saying that we could manage
13 that communication process so our community sees the
14 benefits.

15 THE CHAIRPERSON: Have you tried to approach, for
16 instance, Fortis Gas to --

17 MR. MATTHEW: Not yet, no. No, we're -- again, we're
18 early in the game and these are aspirational things
19 that we'd like to do, but we're setting ourselves up
20 to be an Indigenous utility for sure because we see a
21 need in our valley. And it's not just my community.
22 It's all the communities up and down the valley. So
23 that would include Clearwater, Little Fort, Vavenby,
24 Blue River, Vailmont, Jasper. So even though the -- I
25 know you have no authority beyond the B.C. line, so.

26 THE CHAIRPERSON: Yeah, I think Alberta would be very

1 upset if we were to try to seize jurisdiction over
2 Alberta.

3 MR. MATTHEW: Leave that up to us.

4 THE CHAIRPERSON: We won't take that one on, sorry.

5 MR. MATTHEW: We will.

6 THE CHAIRPERSON: I am curious, though, as to -- and
7 perhaps it's a nice segue into what you've said that
8 as a First Nation in the community here, you have
9 aspirational goals to own and operate your own
10 utilities. Can you share some of that vision with us
11 as to what that looks like, and what might be included
12 within that?

13 MR. MATTHEW: I will, but there is a lot of danger in
14 speculating, because I need the support of my board of
15 directions and my First Nation, chief and council,
16 before I do some of those things. So I just want to
17 say they are aspirational on the part of our
18 development corporation, we haven't shared it yet with
19 our chief and council, but we have plans to, yes, be
20 an Indigenous owned utility. And we are having
21 discussions with other parties. That's all I can say
22 at this point.

23 THE CHAIRPERSON: Okay, I respect that, thank you.

24 Now, I'm going to talk about an issue that you've
25 mentioned towards the end of your presentation, and
26 this is the difficult one I think, for us as a

1 regulator, to wrap our heads around. And it goes back
2 to Carolann's comment when she asked you the first
3 question. And that is, really, the reality is that
4 the B.C. Utility Commission, as a regulatory body, are
5 limited in the jurisdiction we have. We are a
6 creature of statute. We can only do what the
7 legislation allows us to do.

8 And you spoke about the need for us as a
9 regulatory body to include Aboriginal rights and title
10 discussion in our regulation of utilities, including
11 possibly Indigenous utilities. And I'm just wondering
12 how you see that actually playing out, given that, as
13 I say, our jurisdiction is limited to being an
14 economic regulator of utilities in terms of rate
15 setting, and setting terms and conditions of purchase
16 and delivery of energy services in this province. We
17 are not a body that is charged with adjudicating
18 Aboriginal rights and title. Any of that, we don't
19 have any jurisdiction over that, under current federal
20 and provincial system.

21 So, I'd like to hear how you think that
22 might be able to work if we were to go and take up
23 your invitation to do that?

24 MR. MATTHEW: Obviously it's not any -- a small
25 undertaking, what I'm proposing, but we do have
26 experience as Indigenous people around drafting

1 legislation. And that is what I would suggest to you
2 is probably the most appropriate thing at this point.
3 Because when you have policies in place, those things
4 can change over time with different administrations.
5 When you actually sit down and co-draft regulation --
6 or pardon me, co-draft legislation with us around
7 restructuring some of your institutions, that's what
8 I'm suggesting. And we have experience doing that
9 like I mentioned. Notably working with the federal
10 government around creation of our own institutions,
11 such as the *First Nations Statistical Management Act*,
12 that talks about how we can finance our own social
13 revenues, our own institutions, and develop a new way
14 of doing business.

15 And that's what I'm suggesting, not just
16 drafting policies. Policies are -- that explain down
17 from actual legislation that gets embedded into the
18 way that British Columbia does business into the
19 future. Because I think that's what it's going to
20 take, at least at that level, to change the nature of
21 the relationship between us as Indigenous peoples and
22 the Crown. And it's no small undertaking.

23 It needs to be funded properly, it needs to
24 be funded for our inclusion, and we need to bring our
25 experts to the table to talk about what this means for
26 all of us as British Columbians.

1 THE CHAIRPERSON: Now, you had mentioned that you agree
2 that in some areas, for instance like safety, there is
3 a need to standardize practices and requirements. So,
4 assuming that we cannot get to the aspirational goal
5 of the vision that you have for how we ought to be
6 regulating, would you still see that there is a role
7 for the B.C. Utilities Commission, in its current
8 format, having some input or ability to regulate, for
9 instance in the area of safety, because we don't want
10 anybody getting fried by touching a live wire on the
11 reserve, for instance.

12 MR. MATTHEW: Absolutely.

13 THE CHAIRPERSON: Regardless of who owns or operates
14 it.

15 MR. MATTHEW: Totally agree. You know, safety is
16 number one for my development corporation. In fact we
17 are hiring a safety manager that is going to oversee
18 all of our operations and we need regulation in that
19 respect. And we understand the need for it, because
20 we operate in commercial terms with our vendors, and
21 our joint venture partners, and all the work that we
22 do out in the field, we do operations and maintenance
23 on the pipeline, and we see a need for having our
24 crews that work on the pipeline have all the
25 certificates, all the training, and all of the safety
26 protocols put in place to manage our conduct in a safe

1 work environment. I know it's trite, but safety is
2 number one for us, and we do our best to live within
3 all of those particular rules and regulations. So
4 yes.

5 THE CHAIRPERSON: Are there other areas that you see
6 that would merit the same consideration beyond safety?

7 MR. MATTHEW: I haven't given it that much thought.
8 I'm a busy guy. This is just one of the things that I
9 do.

10 THE CHAIRPERSON: Thank you very much. I don't have
11 any further questions, unless other members of the
12 panel do.

13 COMMISSIONER BREWER: I would like to ask one more
14 question. Thank you for your patience.

15 MR. MATTHEW: Yes. No worries.

16 COMMISSIONER BREWER: So, I guess in the event that you
17 -- and I know this is purely speculative, because you
18 haven't really had an opportunity to investigate this
19 deeply, but in the event that your company was able to
20 secure a gas line that served various people, would --
21 I suppose, how would the rates be set? I mean, I'm
22 thinking you'd probably want some -- you'd have to
23 have some way of setting those rates, right? And
24 BCUC, that is one of the roles that it does play.

25 So, I'm just kind of curious as to this --
26 because that is an institutional kind of thing, right?

1 MR. MATTHEW: Yeah, that's a fair question. I mean,
2 our experience in developing our own, and I'm going to
3 go back to some of our relatives that are in the room
4 here, when we developed our own institution around
5 real property tax, that's a good example, because what
6 we had to do is create our own legislation, federal
7 legislation, and then we had to ask the provincial
8 government to vacate from reserve lands, because they
9 were taxing entities on reserve. And we had develop
10 our own standards, and those standards were
11 complimentary, and what I mean by that is, when you
12 adopt your own real property tax, you need to be
13 consistent with the adjacent municipality in terms of
14 mill rate, and having the same mill rates and having
15 the same standards and regulations in place that
16 oversee how you deal with your taxpayers, that's a
17 good example actually. Because you need corresponding
18 regulations, and you need to incorporate them into how
19 you do business.

20 So I don't see it any different in owning
21 your own utility, and if you do anything different,
22 you're setting yourself up for problems. But you need
23 to think it through, obviously, and have the
24 corresponding legislation.

25 And in the instance of real property tax,
26 there was federal legislation, but there was also on

1 the provincial side there was enabling legislation as
2 well. We wouldn't have to worry about that in setting
3 up a B.C. utility, our own utility here in the
4 province, because we'd be dealing with one -- you
5 know, the province of British Columbia.

6 COMMISSIONER BREWER: Thank you.

7 THE CHAIRPERSON: Once again, Mr. Matthew, on behalf of
8 the panel thank you very much for all your patience
9 and for sharing all our expertise and experience with
10 us. And your time. I know that you are a busy fellow
11 and we really appreciate you've spent well over an
12 hour with us today. So much appreciate it.

13 Please feel free to stay for lunch. We
14 have food for many people. So take some back to your
15 community if you like.

16 MR. MATTHEWS: I'm not going back to my community today.

17 THE CHAIRPERSON: But I think we will take a short break
18 for now and then we'll see if there's any other
19 speakers that would like to speak after the break.

20 So Dan, I'm going to turn it over to you.

21 MR. GEORGE: Very well, thank you.

22 (DISCussion OFF THE RECORD)

23 (PROCEEDINGS ADJOURNED AT 11:41 A.M.)

24 (PROCEEDINGS RESUMED AT 11:57 A.M.)

25 MR. GEORGE: Please come forward, and spell your last
26 name, please.

1 PRESENTATION BY MS. MANUAL:

2 MS. MANUAL: (*SPEAKS SALISH*) I'm from the Tk'emlups

3 Indian Band. My last name is Manual, M-A-N-U-E-L.

4 Yes, I'm one of the Manuals. We're taught everything
5 from the time of being.

6 I was really encouraged by your guys's
7 invitation to have a conversation about this, so up
8 front I want to thank you for inviting everybody here.
9 And this will seem like a little bit of a story, but
10 it all connects in one form or another.

11 Just recently my value has been discussed
12 at the levels of the Sixty Scoop, the Day Scholar
13 Programs. Like all of those numbers that have
14 currently been thrown around, the maximum I could get
15 is \$21,000. And if you multiply the 4,750 days into
16 that amount, it works out to be about \$4 and I think
17 45 cents, which is actually less than the people that
18 were actually paid out to look after me, and not in
19 the healthiest ways.

20 So, with that being said, with all of this
21 value being thrown around, everybody is talking about
22 what they're going to do with this money when they
23 actually receive it, or if they get compensated in
24 some ways for the Sixty Scoop.

25 And what I know from myself personally,
26 because of the years that I was raising my daughter on

1 my own and without as much as the ability to fulfill
2 my education desires or all of those other situations,
3 what ended up happening is that there were times that
4 I missed paying the bills. And what I didn't
5 understand, when I would think that I was paying my
6 rent is that my rent was actually going towards BC
7 Hydro. It's actually first on the list before it
8 actually gets to the rent.

9 So what ends up happening is that I ended
10 up with a bill that will basically take my Sixty Scoop
11 money and more than likely I'll end up with next to
12 nothing in return. That's my first challenge.

13 My second challenge is also to the fact
14 that we have a housing system right now that is in so
15 much need. We probably need -- there's 250 houses on
16 our reserve. We probably need 300 houses on the
17 reserve, but what we're spending in order to repair
18 these houses in order to -- would be in the millions
19 because the quality of these houses that were built
20 were minimum, right? So we're spending a lot of money
21 repairing houses and looking after Elders and making
22 sure all of those things are done. So those are some
23 of the socio-economic challenges as women we are
24 constantly trying to cover.

25 So when I heard about this, and I'm reading
26 it and I'm looking at it, and because I'm also one of

1 the ladies that participated in the environmental
2 process here in our community regarding Ajax, we stood
3 up our all time governances. We stood up family
4 representatives for each family, and I happened to
5 represent the Manuel family during the Ajax panel
6 process and the environmental process, which I'm
7 really proud to say that for two years we looked at
8 every document, we studied every piece of information
9 that came to us and we came back with an answer, a
10 collective answer together.

11 And I'm really hoping that you guys will
12 actually take that process on in this process.
13 Because how I believe it misfired with the pipeline
14 per se, right? Is I think we need to, for example,
15 raise the Indigenous standards of environmental due
16 and care in our province. Because we all know that in
17 our province we are salmon lovers. We have salmon
18 festivals everywhere in this province. I mean, we all
19 know, we're all crazy about our salmon and then some.

20 So what I've consistently invited our
21 leadership to consider is doubled-walled pipes, right?
22 Also on top of that I've invited them to add more
23 monitoring stations. I've also invited them to turn
24 around and take the pipes over the water instead of
25 under the water. Right? That way we can increase the
26 chances.

1 And because I've worked in construction off
2 and on for a number of years, I know what it's like to
3 be hired as a flagger, for example, and not be able to
4 talk to my leadership in order to share what's going
5 on on the jobsite. Because if you get caught talking
6 on the jobsite to leadership, you're quietly let go.
7 And you lose your employment, right? At that point.
8 So what those areas that need to be considered while
9 you guys are negotiating all of these deals, I'm kind
10 of hoping that you guys will understand that that's
11 what happens on the jobsite.

12 Because quite simply, being employed with
13 that glass ceiling and not being able to have that
14 clear communication is just going to cause life-long
15 hardships for everybody in the long run. Because I
16 would rather be on the jobsite, for example, if they
17 are accidentally digging up an archeological find, I
18 would like to be able to call up my chief and council
19 and say, "Hey, can you guys come out here? Like right
20 now. We need to stop the site. We need to help these
21 people out." We need to take care of this business.
22 Right? That kind of thing.

23 So with all of those things in play, I'd
24 also like to turn around and -- because what we've
25 instructed our leadership to do is to start working on
26 truth and reconciliation. Because we've got things --

1 like right now the international negotiations between
2 us and the Americans on the Columbia River. That's
3 like super important to us. That's like beyond
4 important to us right now. So inviting more
5 administration in, which is I think you are proposing,
6 is you're proposing that Indigenous people now add
7 another level of government, I guess, or government
8 services to our offices. That's what this is.

9 As a basketball coach, because I'm a level
10 2 basketball coach, right now I pay into the federal
11 government to deliver services, I pay into the
12 provincial government to deliver services. I pay into
13 the municipal government to deliver services. I pay
14 into the First Nations Education Council to deliver
15 services. I pay into the school districts to deliver
16 services, and then I pay into non-profits to deliver
17 services, and then when it comes down to me, I'm
18 still paying for gym time in my community, right?
19 Where most of our guests and our Nations pay into
20 three maximum, four levels of government in order to
21 get done. So that's what I think that this is, is
22 another level of government that's being proposed --
23 or another program that's being proposed in order to
24 collect dollars and move dollars but don't necessarily
25 reach as far as it could be.

26 You're getting this really perplexed look

1 on your face. I just want things to be even. That's
2 all I'm looking for. I'm just looking for a level
3 playing field to start from. So until those things
4 are discussed and sorted out and figured out, I need
5 you to understand that this makes me nervous because
6 it doesn't have an environment assessment, because we
7 don't have a room full of leadership right now, and
8 because quite simply at this point, how we got into
9 the kerfuffle in and around the pipelines is that
10 there wasn't a whole lot of discussions with community
11 members on that process, right?

12 So with that being said -- right? I go to
13 every one of our band meetings, I go to -- like I'm
14 considered the community watchdog, I guess, so to
15 speak, but --

16 So I pay attention to these things because
17 I think it's my responsibility not only to my
18 grandchildren, but my great great grandchildren and
19 the grandchildren that are yet to come. So that's
20 where my perspective is and that's where I get my
21 roles and responsibility.

22 A lot of people call it title and rights,
23 when ultimately at the end of the day it's our role
24 and it's our responsibility to work together.

25 The other thing that I loved about the
26 panel process is that it was a prime example of how

1 our two communities can work together. Because we had
2 supporters from both sides of the river, so to speak,
3 working together. And I think if we can get into the
4 same canoe and go into the same direction we can
5 possibly get there. But it starts by actually coming
6 into our community and having those conversations,
7 right?

8 And downgrading how much administration
9 we're going to actually have to go through. Because,
10 like I said, I'm one of those homes that every year
11 I'm getting into a conversation with BC Hydro going,
12 "Why do you need this \$200 extra when I can sit down
13 and figure out with your own formula that you actually
14 owe me \$4.00 and some change." You know what I mean?

15 So, these are the stresses, these are the
16 things that we go through as women in our community
17 and as I've always said, by kind of sitting down and
18 having this conversation, I'm here to protect what we
19 have left. I'm here to make sure that our salmon fest
20 continue. And you know what I mean, that we continue
21 to enjoy each other's company, but we need to start
22 having those conversations directly in our community
23 and what that panel process, right? We're just
24 standing up our old time governances, and the two are
25 working together. Right?

26 So, do you have any questions for me? As

1 I'm running out of things to say, right.

2 THE CHAIRPERSON: I do not. I just wanted to say thank
3 you for being, you know, courageous and to come and
4 speak and I wish you much luck.

5 COMMISSIONER BREWER: Thank you for your words, I think
6 it's very nice to hear from you.

7 MS. MANUAL: Thank you.

8 COMMISSIONER LOCKHART: Quick question, have you -- your
9 suggestion regarding double walled pipelines and more
10 monitors stations. Have you made those suggestions to
11 the BC Oil and Gas Commission?

12 MS. MANUAL: I have. I mean, my leadership is here and
13 they know how I feel about it, right? But
14 unfortunately they inherited the deal previously
15 signed so -- I understand why they signed it.

16 Like, I understand their protection of our
17 title and rights. I just think that we should work
18 together and in increasing our levels of environmental
19 standards. So that way it works for everybody, right?
20 Like I don't think it works the way it is right now.
21 Because we have too many examples of non-double walled
22 pipes out there.

23 We have too many examples of too many
24 spills out there. We need more monitoring stations on
25 there. We need more people that in a position of
26 something looks like it could possibly go wrong, we

1 can communicate about that from the job site. We need
2 that level to raise itself and not just accept the
3 current provincial or federal assessment of their
4 environmental standards because, okay, we all know
5 that there's too many examples out there right now
6 where they *ka-poofed*, right? Mount Polley is one, you
7 know what I mean?

8 They still haven't totally resolved that in
9 our community. We're still just now getting back to
10 our salmon to a certain degree, right? And there's so
11 many other examples out there, right? For us the
12 salmon is life. The water is life to us and that's
13 what we're trying to say, is that it's my
14 responsibility, like, when I talk to TRU law students,
15 when I talk to them and I impress upon them that I'm a
16 mom and the minute that I heard that it was possible
17 for that bad air to hurt your child and my child and
18 my grandchild, my automatic response was to protect
19 everybody, right?

20 And that's the space that we need to get
21 to, is that we're protecting each other and we're not
22 being put off as adversaries to each other. So if
23 raise the standards to an Indigenous level, right,
24 then it's possible.

25 COMMISSIONER LOCKHART: Thank you very much, Ms. Manual.
26 I appreciate you introducing the lens from a woman's

1 perspective, thank you.

2 MS. MANUAL: Like I said, I was just kind of hoping that
3 this -- I heard the names and then the numbers and I
4 understand that our councils are under phenomenal
5 pressure, right? To produce new projects and new jobs
6 and raise the quality of our lives. But we need to
7 get to a place where -- we need to clean up some of
8 the past.

9 We're quite simply, right now, utilities
10 takes all of our rent and from CMHC. So we're left
11 with the bill regardless. So with those long term
12 effects, yeah, I will -- I have no problem paying it
13 off. What I'm just saying is that I get no equity out
14 of it. So if you look at me and you see me 10 years
15 down the road and I've got this two-bedroom little
16 place technically paid off, right, because by then the
17 CMHC mortgage will be paid off, I will have no equity
18 for it. Right?

19 So if I take it and I look at it from that
20 perspective, then it's hard times for us. It's not an
21 improvement in our community if we're not developing
22 that kind of equity, you know what I mean, in return.

23 Because on this side of the river, and as
24 stewards from the other side of the river, we
25 automatically knew that if Ajax was put in, right?
26 That everybody on this side of the river was able to

1 sell their homes and move away. We're here regardless
2 for time immemorial. Like I will never leave here and
3 this will be where my grand-babies are raised. This
4 is where we will be for like time immemorial and as --
5 like I said, as we stand each other up we've got to
6 get to that level where we're looking at each other in
7 the eye and say, "I got you and you got me." Right?
8 So.

9 MR. GEORGE: Excellent. Thank you, and I think that
10 that collaborative message, you know, that together
11 we're stronger. I thank you very much for your
12 presentation, thank you.

13 MS. MANUAL: Thank you.

14 THE CHAIRPERSON: Yes.

15 MR. GEORGE: If we could break for lunch. If we could
16 break until 1:00, would that be fine?

17 (PROCEEDINGS ADJOURNED AT 12:14 P.M.)

18 (PROCEEDINGS RESUMED AT 1:03 P.M.)

19 Mr. GEORGE: Good afternoon. We're going to call the
20 session back into order here.

21 I want to remind us of our rules of
22 engagement that we agreed upon this morning. Create a
23 safe, respectful container for our dialogue to occur.
24 We're being hard on issues and soft on people. Please
25 silence your cell phones. Be present and find a merge
26 lane into the conversations here that we're having

1 today. Listen generously to one another and the
2 thoughts, the ideas that are being shared. And to
3 always, always have a solution orientation.

4 We had a wonderful start this morning. I
5 understand that there might be a couple of more
6 members in the audience here who want to address the
7 panel. Who'd like to start us off?

8 If you do have parking, I just want to give
9 you friendly reminder that if you do have parking and
10 you're in the two-hour parking zone, you have been
11 towed away — no. Keep an eye on your parking so you
12 do not get any tickets. Thank you.

13 Now please introduce yourself, Joan, and
14 spell your last name for the record. Thank you.

15 **PRESENTATION BY MS. HOOPER:**

16 MS. HOOPER: (*Native language spoken*) Joan Hooper.

17 First of all I want to thank you for coming
18 out to our Secwepemc territory, our unceded territory
19 of the Secwepemc people.

20 I just want to make a couple of general
21 comments because the first time I heard about this was
22 yesterday at our SNTC chiefs meeting, and it may be
23 getting out to the communities, but sometimes it goes
24 to all the chiefs and then usually it sits in their
25 office until they return and they distribute to the
26 rest of the council.

1 I am on council for my community since
2 2009. And the first time I was able to learn and kind
3 of review what B.C. Utilities does was when we were
4 involved in an environmental assessment with the Mica
5 5/6 dam. And I think it was on the first or second
6 turbine back then, and ever since then we've been
7 involved on quite a few different environmental
8 assessments. Canada and the province with.

9 But I just wanted to make a few general
10 comments and ask questions. I'm not prepared to
11 answer any questions, because how we work within our
12 communities is our leadership will learn about the
13 issues, take it back to our communities and then we
14 review and discuss with our communities. So if this
15 is kind of the first time I'm hearing about this
16 process, I'm sure our community members aren't hearing
17 it on, in their homes, door to door, and we're a very
18 transparent governance that way. And what we like to
19 dialogue with our proper titleholders, which is our
20 people, and not just the official elected council like
21 ourselves. So we've got our work cut out for us on
22 every page and every area when it comes to looking at
23 what should we look at under a utility regulation.

24 First of all, I wanted to say I think it
25 would be good to recognize, which the federal
26 government is trying to do, with recognizing our

1 Indigenous rights and our title to our lands and our
2 unceded territory. And with respect to our own laws
3 that's been there since time immemorial, Canada
4 celebrated a while ago just their 150 anniversary and
5 we have been here on our unceded territory much more
6 than that time, of time immemorial.

7 So we've had our historical laws on how we
8 deal with the land, how we work with the people and
9 how we work with the environment and some of that
10 should be looked into, but like I was saying, a lot of
11 that has to be reviewed and looked at. We do have
12 business institutions in our territory that work with
13 our Nations and some of them under the *Fiscal*
14 *Statistical Management Act*. Somebody earlier alluded
15 to property tax management on reserve and et cetera.

16 But I think that what we'd have to do is
17 something like this is take it back and really analyze
18 what we're trying to do here. Because if we're
19 looking at a legislation change, that's means us First
20 Nations in our territory with Canada, and those
21 legislative authority changes would have to be
22 together. Just like Trudeau right now is trying to
23 co-draft the Recognition of our Rights Framework and
24 what he's trying to do there.

25 So some of this would automatically,
26 probably be under one of those heading with looking at

1 change of legislation that needs to change, when he is
2 recognizing the true rights holders of this country.
3 And I think that's very important to look at it that
4 way, because I understand what B.C. Utilities does,
5 but it's kind of higher up on the legislation piece,
6 too.

7 But when we look at the business case, we'd
8 have to look at that internally with a business case
9 model and how do we implement that. And I think we do
10 have institutions that can do that for us.

11 And then on the other part of that is
12 Canada, in the Province of B.C., offloads the lands
13 responsibility to the Province of B.C., so we'd have
14 to work with Canada, the province and the
15 Legislation all the way through and then with the B.C.
16 Utilities company, too, as well.

17 Right now there's still uncertainty to the
18 lands and that won't change until we have our
19 Indigenous people included and decisions on our lands
20 and our territory, not just on the reserve boundary,
21 but our territory. I think you've had a lot of new
22 projects come up because of that. I think there's a
23 lot of changes in the lands out here in B.C.
24 especially. A lot of us aren't treaty. We're not
25 treaty. We don't have treaties signed, so we still
26 have our own laws to our land.

1 The other thing is I think I will -- what
2 I'm prepared to do, 'cause I reviewed all this and I
3 heard the few comments and statements is, you know, we
4 really have to look at, you know, how we look at it is
5 more holistic, like the water, the land and the
6 animals and our people and how we're going to survive
7 for the next generations. We look at the seven
8 generations, which is a long time.

9 I know when we worked with BC Hydro they
10 had -- and B.C. Utilities Commission showed us a big
11 long-term acquisition plan, and I think that's
12 something like we'd have to prepare for our own people
13 to make sure that we're included and equal as that
14 length of time, in our next seven generations and
15 beyond that. And I do think it's time that it should
16 happen because of the -- not looking at this as just
17 being a regulation body, but we have to look at the
18 environmental piece because what's happening on
19 climate change right now. And, if we are going to be
20 included to do business in our own territory, what
21 does that look like? I'm not sure. I can't answer
22 those questions right now. I'd have to talk to our
23 own corporations and our business people and our
24 leaders and our Nation. You know, there has to be
25 Nation discussion. And I know your timeline is like,
26 it's not very long.

1 But I hope it's not all in hearing settings
2 like this, you know. Because I feel really kind of
3 judged all ready, sitting on the other side of a
4 table. Like, I've been in many court rooms for our
5 people and that's how I feel right now. And I think
6 that's kind of a different setting which, we usually
7 sit in a circle so it doesn't seem so oppositional
8 wise or that kind of thing.

9 And that's true feelings how the lady that
10 just spoke earlier for me, how our membership would
11 feel. You know, true dialogue and relationship
12 building and territorial-wise we need to do that and
13 get past this reconciliation and know what that means
14 for us.

15 So my questions, I guess, is how did this
16 become and what's, what triggered this change for you
17 and what's the next step after the report back to the
18 Governor General or Lieutenant General?

19 THE CHAIRPERSON: Lino.

20 Mr. BUSSOLI: Okay, I'm external counsel to the Utilities
21 Commission. My name's Lino Bussoli.

22 It wasn't anything specific that drove the
23 inquiry. It was a direction from government. But
24 there have been cases in the past that the Utilities
25 Commission has looked at that involved Indigenous
26 utilities. An example would be Spirit Bay Utilities,

1 which was in part to be owned by Beecher Bay First
2 Nation, the majority of which was to be owned by
3 Beecher Bay First Nation.

4 They had come with an application for an
5 exemption from regulation of the *Utilities Commission*
6 *Act*, and what they were offering -- briefly what they
7 were offering with the project that they had come
8 before the Commission was a development, residential,
9 commercial, and it may have also included industrial,
10 and they were to provide electricity, natural gas and
11 propane to various customers. Some would be Band
12 members, and some would be non-Band members. And what
13 they were seeking was an exemption from being
14 regulated by the Utilities Commission.

15 However, the way that the *Act* is currently
16 worded, the Commission panel that had heard that
17 application denied the exemption, because it did not
18 meet what the exemption sections of the *Act* allowed
19 for. So it didn't meet the test for an exemption.
20 And that was due, in large part, to the *Utility*
21 *Commission Act* as it currently is read.

22 And so as a result of that, I think the
23 present government in power thought that they would
24 order the Commission to look at ways that the
25 communities themselves could be regulated, if at all,
26 or what their thoughts are on the process. Because

1 part of the way the *Utility Commission Act* is set up
2 right now is, if you are to be regulated as a -- if
3 you are deemed to be a public utility and there is a
4 definition in the *Act*, if you meet that definition,
5 then there is obligations on you as a company to make
6 applications to get your rates approved by the
7 Commission to provide safe and reliable service. But
8 with that, it could be quite onerous I think, for some
9 of the smaller utilities. There are exemptions for
10 municipalities and regional districts, if they are
11 providing service just within their municipality, or
12 just within the regional district. And if they are
13 100 percent wholly owned by the municipality or
14 regional district.

15 This inquiry is trying to determine how
16 best to proceed with utilities that may or may not be
17 owned by Indigenous communities. And whether they
18 ought to be exempted like a municipality or regional
19 district is, or if there is some other form of
20 regulation should do it. But the Spirit Bay --
21 Beecher Bay First Nation application was one of the
22 more recent applications that was denied for that
23 exemption, and I think that is one of the reasons that
24 provides an example of why this inquiry was started.

25 So hopefully that answers your question.

26 MS. HOOPER: I just have a comment just for that. The

1 things that we have to think about internally, if you
2 look at this diagram here on what is energy utility
3 regulation, and you have three things here.
4 Electricity, natural gas and thermal energy, and then
5 on the other side is biomass and solar. There is a
6 lot of appetite for us to be involved in those things,
7 for sure on the business side. How and united, I
8 don't have that answer, but yes. for sure. We have to
9 do something about it, because it has been happening
10 without us, and when we are on the outside of the
11 glass looking in, it's not as environmentally sound as
12 we want it to be, you know. Because of what is
13 happening with the climate change now, yesterday it
14 was snowing in a different province, and down across
15 the world, you know, and here we are just really
16 scorching hot, and then rain the next day.

17 But anyway, what I was going to comment on
18 is on these three things on their diagram here, it's
19 generation through transmission wires, distribution
20 wires, and then to your customers and your homes, and
21 your cities or whatever.

22 The comment that I have is, we haven't even
23 been compensated and all this is on our land, on our
24 territory. That's the issue we have with the federal
25 government, that we are trying to work towards that
26 reconciliation part. So how that reconciliation part

1 unfolds, will affect everything else, and how you
2 regulate your *Act* and how things happen.

3 But one part here is we are looking at now,
4 like with BC Hydro, we have been working in relations
5 with BC Hydro on all their transmission lines in the
6 territory, you know. So there is different things we
7 are being proactive about, but do we have all the
8 answers? No. But we want to work towards something
9 to ensure that our next generations are -- you know,
10 have a safe place, an environmentally safe place, and
11 be able to live and thrive off the land, yet, and not
12 be -- you know, the water that is safe too, so you can
13 still drink the water, and breathe the air and live on
14 the land, and hunt with the animals.

15 So, that's kind of the way we look at it.
16 But of course on the business side we have got to look
17 at that too, how do we survive? How do we survive for
18 our people? And those are questions that I'm not
19 prepared here to answer myself. I have to go back to
20 the community and to the Nation, and discuss that
21 together.

22 And I don't see enough people here. I
23 don't know why, but when I first heard about this
24 yesterday at our Chief's meeting, I said, well I
25 better go and find out what this is about. And then I
26 came in the door and there is not really that many

1 people here, but -- and it's such a huge topic.

2 So when I seen your other dates, maybe what
3 we can do is get together in our Nation and discuss
4 this more, and then maybe put something forward to
5 your other hearings, because I am not prepared to make
6 those kinds of statements today, and I would not do
7 that without having the consent of my own people.

8 THE CHAIRPERSON: And I totally understand that. So I
9 just wanted to take a moment to respond to the other
10 part of your question, and that is what is going to
11 happen next?

12 I don't know whether you were here at the
13 start of the session when Laura gave outline as to our
14 next steps? So let me just tell you what is going to
15 happen next.

16 This is the third of our series of ten
17 community input sessions that we are going to run
18 throughout June and early part of July. And there are
19 seven other community input sessions left to do.
20 Tomorrow we are going to Williams Lake, and then we'll
21 be going on to Prince Rupert, and then et cetera. So
22 we are trying to cover as much of the province as we
23 possibly can within the time that has been given to us
24 to do the report. We've established that for anybody
25 that wishes to make additional submissions, they are
26 at liberty and free to file written evidence by July

1 15th. And you can file it with the Commission
2 Secretary, by posting it on our website.

3 And then the panel itself has been asked to
4 come up with a draft report which is due November 1st.

5 We are going to send that out on November 1st to
6 everybody that's participated in this session, and as
7 well it will be posted on our website for comments.

8 Comments are actually due from third parties by
9 November 22nd. After which, we are required under the
10 Order-in-Council that has set up this inquiry, to
11 issue an interim report with preliminary findings by
12 December 31st of this year. And then the final report
13 with the B.C. Utilities Commission's recommendations
14 are actually due a month later on January 31st of 2020.

15 So that is the schedule, and as you can
16 tell it's a pretty ambitious one, so we are trying to
17 do as much as we can within the time that has been
18 allotted to us.

19 MS. HOOPER: Yeah, I understand that part, I read that
20 in here when I picked this up yesterday. But what I
21 was saying, when it goes back to the Order-in-Council,
22 then what? What do they do? What is the timeline
23 after that?

24 THE CHAIRPERSON: That will be entirely in the hands of
25 the provincial government. We have been asked to make
26 recommendations, and we will hopefully do that.

1 Whether or not the provincial government accepts any
2 or all of our recommendations is really up the
3 provincial government.

4 MS. HOOPER: Okay, I think that's --

5 THE CHAIRPERSON: And maybe I can ask you a question.
6 I am very, I guess a little bit surprised and a little
7 distressed to hear that you only got wind of this
8 session yesterday. I am just wondering from your
9 perspective, is there any advice you can give us as to
10 how we can actually draw people out from the community
11 and provide you with more timely notices? Because I
12 take your point about it going to chief and council
13 and sitting on the desks with a pile of other things
14 until chief or council, somebody in the office looks
15 at it. If there is a better way to do it, I would
16 really like to have the benefit of your advice.

17 MS. HOOPER: Well, we have our own Aboriginal
18 institutions that do work every day. I think the
19 Chiefs are at some of the summit meetings this week in
20 Vancouver. AFN, we just had one in Edmonton, and then
21 there will be another one coming up. You know, they
22 have all these other bigger, larger meetings that
23 could have been -- maybe the hearing, or even the
24 hearing shouldn't be called hearing, it's more or less
25 dialogue on -- around a couple topics.

26 But I think if we piggybacked on some of

1 those larger gatherings, that'[s where you would get
2 more of the turnout. And of course, capacity is
3 always an issue.

4 THE CHAIRPERSON: Yes.

5 MS. HOOPER: You heard this morning from this young
6 lady here, that do you pay the rent? Or you pay the
7 Hydro with that last \$200? So you don't really get
8 enough people able to have gas to go and -- come and
9 comment, right?

10 So I think if you looked at existing
11 organizations that -- and Dan knows that, I've known
12 Dan quite a few years, and a few people in the room,
13 that those larger Aboriginal Indigenous meetings that
14 they're having, like the Assembly of First Nations, or
15 something we could tag on an extra day for B.C.
16 Utilities somewhere? Or look now and try to do that.
17 And then I think you would get more feedback, and like
18 I was saying, I think the summit, ones going on now,
19 I'm not sure, that's where our chief went to this
20 week.

21 THE CHAIRPERSON: And I appreciate your comments about
22 the setup of the room, it's not idea. It's certainly
23 not meant to be inquisitorial. So we are going to try
24 to see what we can do to adjust that. That has been
25 noted, you are not the first person to comment upon
26 it.

1 MS. HOOPER: Yeah, it is 150 years of colonialism to
2 our people that this very much feels like a court
3 hearing, not a discussion or being able to talk
4 freely.

5 THE CHAIRPERSON: Thank you.

6 MS. HOOPER: Okay. And thanks for listening to me.

7 COMMISSIONER LOCKHART: One quick question. I didn't
8 get your last name?

9 MS. HOOPER: Hooper, Joan.

10 COMMISSIONER LOCKHART: Hooper, all right, thank you.

11 THE CHAIRPERSON: Actually, Carolann just reminded me
12 that you did have a question with respect to your
13 ability to make a submission at another session yet to
14 come? We certainly welcome you to do that if you are
15 able to come in person. Or if you are not able to
16 come in person, you are perfectly free to file a
17 written submission, whichever you prefer. Whichever
18 is easier, more convenient, more effective from your
19 perspective. We welcome you to do that. You're not
20 precluded from appearing simply because you've
21 appeared here.

22 MS. HOOPER: Okay. Yeah, okay, good. I appreciate
23 that. And one more question, I just didn't get all
24 your name because I wasn't here first thing in the
25 morning.

26 COMMISSIONER BREWER: My name is Carolann Brewer and

1 I'm actually from the Lower Similkameen Band and I am
2 Smalqmix, and I also have roots in the Sqahamal and
3 the Silik Nation as well.

4 THE CHAIRPERSON: And my name is Anna Fung and I'm a
5 member of this panel and a commissioner of the B.C.
6 Utilities Commission.

7 COMMISSIONER LOCKHART: My name is Blair Lockhart and I'm
8 a commissioner on this panel as well.

9 MS. HOOPER: And you guys? Are you just recording or --

10 THE CHAIRPERSON: Yeah, these are our wonderful court
11 reporters from Allwest Reporting, and they are with us
12 throughout these community input sessions.

13 MS. HOOPER: So from today we'll get a little --

14 THE CHAIRPERSON: You will get a transcript which is
15 available, I believe -- it's posted on our website on
16 a daily basis.

17 MS. HOOPER: Okay, yeah. And Dan, you are just
18 facilitating?

19 THE CHAIRPERSON: Not just facilitating. You've wounded
20 him mortally now.

21 MS. HOOPER: Sorry, I know Dan.

22 MR. GEORGE: (off microphone - in audible)

23 THE CHAIRPERSON: Yes, you need a mike.

24 MR. GEORGE: Sorry. We're assisting with the
25 organization. We're assisting with cultural protocol
26 that is happening. We are also taking our own notes

1 in terms of what we are hearing, and what we
2 contributed to the panel and for their use or not in
3 regards to the penning of the report that they're
4 going to be having. And, yeah, again just trying to
5 make it more accessible for our people.

6 Your point, Councillor, is very well taken
7 in terms of how it feels like a court proceeding. It
8 is a quasi-judicial process that we are engaged in
9 here. I appreciate your comments with regards to more
10 people. And you know, we all do a lot of this work in
11 our communities and we always seem to have a hard time
12 getting our people to participate.

13 One of the things that I wanted to bring
14 into your line of sight, as well as others who are in
15 the room here, is that there is capacity funding up to
16 a maximum of \$5,000 available to assist in recovering
17 costs associated with preparation for and
18 participating in a community input session. So that
19 could potentially cover, if you were to go to another
20 session throughout the schedule that our Acting Chair,
21 Anna Fung, has outlined, to engage the services of a
22 professional who has the specialization to pen a
23 letter or a paper on your behalf that could be put
24 into the proceedings as well as evidence, so that that
25 opportunity is there.

26 I think one of the challenges with more

1 active participation, and I really want to acknowledge
2 the people who are in the room here today, is the
3 specialization around the questions and the scope of
4 the inquiry. As well, the different competing
5 schedules and pressing demands that leadership such as
6 yourselves and others in the room have, and engagement
7 fatigue that happens with many of our communities.

8 Your suggestion about tagging onto a
9 provincial association meeting, I think is worthy of
10 consideration. One of the things that I advised the
11 Commission to do was to actually get out into the
12 territories and not have meetings down in the Lower
13 Mainland. So the hope would be by being in the
14 territories that that would get greater accessibility
15 for our people to engage with the Commissioners.

16 But your points are, as always, Councillor,
17 are very well taken.

18 MS. COOPER: And thank you for coming out. Thank you,
19 Dan and -- and the other thing I just wanted to say
20 quickly, I really appreciate it. It's exciting I
21 think when we are able to be heard, and not just
22 participate but actually make a difference of what
23 we're trying to reform what the government's trying to
24 do on our land. So it does mean a lot to be able to
25 be included and not excluded on our own territory.

26 And I will be looking forward to developing

1 a submission. Thank you.

2 THE CHAIRPERSON: Thank you very much, Councillor
3 Hooper. And we really appreciate your comments.

4 MR. GEORGE: Is there anybody else that would like to
5 address the panel?

6 Councillor Gottfriedson. Please come up to
7 the table, state your first and last name and spell
8 your last name for the record, please.

9 **PRESENTATION BY MR. GOTTFRIEDSON:**

10 MR GOTTFRIEDSON: (*speaks native language*), G-O-T-T-F-R-
11 I-E-D-S-O-N.

12 I think really I'm going to reiterating a
13 lot of the things that I've kind of heard already this
14 morning. And it starts with consultation with First
15 Nations and incorporating that inclusion, which also
16 pertains to untruth and truth and reconciliation as a
17 government mandate as we're all aware.

18 But this concept relates to the struggles
19 over the course of the last hundred plus years and is
20 referred to in the Sir Wilfred Laurier memorial. And
21 if you are unfamiliar with that, I certainly encourage
22 you to become familiar with that. It's great piece of
23 history and article in how we can move forward
24 together.

25 And touching on what our Councillor had
26 mentioned before, we are a community driven

1 government, and so we're looking to take this
2 information back to our community and have this
3 consultation in-house as well. And, you know, as we
4 have these discussions and you know how we can move
5 forward and what our membership is looking to get out
6 of this, it's important to note that we need a primary
7 point of contact as well. So after we've had our
8 internal engagements, you know, we can reach out and
9 we can continue with consultation and inclusion and I
10 think that's a big part of it.

11 It's not something that can be glossed over
12 in a morning or an afternoon, and so I think this
13 engagement is going to be ongoing. And a lot of these
14 issues that affect us all as First Nations, they
15 didn't happen overnight, and nor do I think will they
16 be solved overnight. So it's important to have
17 continued dialogue.

18 And I also want to say that we're all
19 evolving and we're learning, as we should be. I'm
20 looking forward to a new day where we can work
21 together and be mutually beneficial. I think that's
22 the whole idea and the concept, and maybe that's
23 optimism on my behalf, but we certainly have to move
24 forward together. You're not going anywhere, we're
25 not going anywhere, so coming to some type of mutual
26 relationship is key to success.

1 And I'm not going to take up too much more
2 of your time. I think a lot of what's been said is
3 some good things and I'm just putting it a little more
4 simply in my mind.

5 THE CHAIRPERSON: Thank you very much. Are there any
6 questions?

7 MR. GOTTFRIEDSON: So maybe to answer, my one and only
8 question was a primary point of contact that we can
9 reach out to after our in-house consultations to
10 continue dialogue.

11 THE CHAIRPERSON: I think that probably the best point
12 of contact will be through our Commission Secretary,
13 and there's an email address that Laura can give you
14 for the Commission Secretary, as well as a phone
15 number. That would probably be the most continuous
16 point of contact that you can have.

17 MR. GOTTFRIEDSON: Perfect. Thank you.

18 THE CHAIRPERSON: Thank you very much.

19 MR. GEORGE: Is there anybody else that would like to
20 address the panel? Okay, seeing none, what I'm going
21 to do, one of the services that I provide is to try
22 and give a high-level fly-over of some the key
23 concepts that we heard here today. My perspectives
24 are not meant to replace the transcript. They are not
25 meant to get to the level of detail that we heard from
26 each of you here today, but to kind of give you a high

1 fly-over of some of the key concepts that were
2 generated.

3 We heard about the UN Declaration of Rights
4 of Indigenous People here this morning, particularly
5 Articles 18, 19 and 20. We do know that the current
6 sitting government in the province of British Columbia
7 endorses the UN Declaration of Rights of Indigenous
8 Peoples and is engaging in a legislative process with
9 Indigenous people in the province to breathe life into
10 that in the form of legislation.

11 We heard that Indigenous people want to
12 define how we are included in the federation of
13 British Columbia. Lots of statistics were shared with
14 us here today that underscore some of the challenges
15 that are present within Indigenous families and
16 Indigenous communities and Nations.

17 The title and rights, the idea of title and
18 rights was introduced here to the panel and seeing
19 that our title and rights not be compromised to
20 regulation without Indigenous consent.

21 The participation in the Indigenous utility
22 scheme would require financing to support partnerships
23 and joint ventures. Finding commercial financing,
24 we're heard this morning, is a big issue. And that
25 when we start to move towards decision making that
26 that decision making be done jointly.

1 In terms of the scope of a potential
2 Indigenous utility, in terms of its provision of
3 services, we heard that it would not only be for
4 Indigenous citizens but also be available to the
5 general public, not making sense to limit to certain
6 segments of the population.

7 It was mentioned this morning that if
8 Indigenous utilities were to be regulated under the
9 UCA, the BCUC would need to change its structure to
10 reflect title and rights and the standards under the
11 UN Declaration of Right of Indigenous People.

12 We also heard a lot today, both this
13 morning and this afternoon about collaboration and the
14 near to work together more cooperatively to achieve
15 shared goals. The inclusion of Indigenous people into
16 the economy of British Columbia, we heard is paramount
17 and that needs to be done in meaningful ways that
18 align with Indigenous ways of knowing, being, seeing
19 and doing.

20 We also heard today that rather than just
21 through an Indigenous lens, to look at the work of the
22 inquiry, but to also consider a women's perspective.
23 And I think we heard generally that women, either in
24 Indigenous or non-Indigenous homes, bear the brunt of
25 poverty.

26 It was suggested that this be looked at

1 through a business lens as well, because this is an
2 opportunity for the provision of services but also the
3 -- to be able to generate wealth.

4 Participation in the environment is always
5 underscored by respect for the environment and
6 understanding the need for a wholistic view that
7 considers the land and the air and the water and all
8 the land, the air and water contains.

9 And last but not least, moving forward
10 together is paramount and the Sir Wilfred Laurier
11 memorial of 1910, which I was reminded of when I first
12 moved into the territory eight or night years ago, is
13 a key source of information. The messages contained
14 therein still resonate with current leadership and
15 current citizens within the territory.

16 So that's a high level flyover. I
17 appreciate each of you for taking time out of your
18 busy schedules. I'm going to turn it over to acting
19 chair, Anna Fung, shortly.

20 I just want to raise my hands to all of you
21 who attended, to encourage you to make yourselves
22 available of the \$5,000 in capacity funding to assist
23 you in making presentations to the panel. The more
24 the panel hears the better in terms of the
25 perspectives of our leadership as well as our
26 citizenry.

1 I want to thank the presenters who were
2 here today and raise my hands in respect to councilors
3 like Gottfriedson and Blank for taking time out of
4 your busy schedules and welcoming us so warmly on to
5 your traditional territory. (speaks Native term).

6 Anna?

7 THE CHAIRPERSON: Thank you very much, Dan.

8 I just want to reiterate our thanks to
9 Councillor Gottfriedson for your warm welcome this
10 morning. And I just want to say how impressed I am
11 that both you and Councillor Blank have stayed through
12 the entire session. So far you're the only ones
13 who've done that in the three sessions we've attended.
14 So I applaud you for your interest and your
15 participation and just your patience.

16 Now if, you know, the length of the session
17 is a measure of success. This has been a huge
18 success. It's the longest session we've had so far
19 thanks to the participation of people like yourselves.

20 So once again, on behalf of the B.C.
21 Utilities Commission, I want to thank you for being
22 here today. I want to thank Dan and Kelly from Four
23 Directions Management for doing a great job at
24 facilitating.

25 I want to thank our staff for all the hard
26 work they put into organizing this. And then last but

1 not least, our staff at Allwest Reporting who has to
2 kind of make sense of what we say here and have it
3 transcribed somewhat accurately and fully in the
4 transcript that you will all be able to read on our
5 website tomorrow.

6 So thank you very much to everyone, safe
7 travels and I hope to see some of you again. Perhaps
8 at one of our next locations. So, have a good
9 afternoon and enjoy the sunshine out there.

10 (PROCEEDINGS ADJOURNED AT 1:41 A.M.)

11

12

13

14

15

16

17

18

19

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

20 
21 A.B. Lanigan, Court Reporter

22

23

24

June 7th, 2019

25

26