

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

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**Community Input Session**

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**BEFORE:**

<b>A. Fung, Q.C.,</b>	<b>Panel Chair</b>
<b>C.M. Brewer,</b>	<b>Commissioner</b>
<b>B. Lockhart,</b>	<b>Commissioner</b>

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**KAMLOOPS, B.C.**

**June 6, 2019**

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

(INTRODUCTION AND BACKGROUND GIVEN)

THE CHAIRPERSON: Thank you very much, Laura, for that 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'emlups te Secwepemc First Nation. We are honoured and delighted to be here.

And as the panel appointed to this inquiry, we are here to listen to your feedback today on the matters before the inquiry. During the breaks and over lunch today, members of the panel, as well as staff from BCUC, may be speaking to you informally. However, if there are issues that you feel we need to, all of us, listen to, that are relevant to this inquiry, we ask that you direct your remarks before the audience here today so that we can all hear what you have to say, and so that your remarks can be properly and accurately transcribed for the record of this proceeding. This will help us ensure that the 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                  Simpw 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 Simpcw  
9                   First Nation.

10                  Simpcw Rsources LLP expects those we do  
11                  business with to respect the vision, mission and  
12                  guiding principles of SRELP and Simpcw 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-pooofed*, 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 working 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           15<sup>th</sup>. 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 1<sup>st</sup>.  
5           We are going to send that out on November 1<sup>st</sup> 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 22<sup>nd</sup>. 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 31<sup>st</sup> 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 31<sup>st</sup> 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 nine 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.)

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



A.B. Lanigan, Court Reporter

June 7<sup>th</sup>, 2019