

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

PRINCE RUPERT, B.C.  
June 10, 2019

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**Community Input Session**

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**BEFORE:**

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

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**PRINCE RUPERT, B.C.**

**June 10<sup>th</sup>, 2019**

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**(PROCEEDING RESUMED AT 10:23 A.M.)**

(INTRODUCTION)

THE CHAIRPERSON: Thank you, Laura. Oh, to Dan, sorry.

I thought she said to Dave.

MR. GEORGE: Do you want it, Dave?

THE CHAIRPERSON: No, go ahead.

MR. GEORGE: Thank you. Thank you, Laura.

We do have one person registered to address the panel here this morning, Mark, Mark Starlund. I'd like to call Mark up to the centre table here.

Current president of the Gitanyow Economic Development Corporation.

Mark, please again say your name for the record and then spell your last name. Thank you, sir.

MR. STARLUND: I didn't know that I was going to be the only guy here doing this but -- So, (SPEAKS NATIVE LANGUAGE)

My name is Mark Starlund, S-T-A-R-L-U-N-D. I'm representing the community of Gitanyow. I'm the president of the Gitanyow Economic Development Corp., and I just want to give you maybe just a brief history.

We have been working six to eight years on green energy initiatives within our First Nation.

1           Specifically -- and it's the case with most First  
2           Nations. You have to assess what your assets are and  
3           look at economic opportunities based on that.

4                        So within our traditional territories we  
5           are predominantly forested. We, unfortunately, don't  
6           have any gold mines or those types of assets, so we  
7           had to focus on what we have, as the case is, with all  
8           First Nations. You look at, within your traditional  
9           territories. It is the case, I believe, with all  
10          First Nations that it's against your law, or a *yoke*  
11          [phonetic] as the term is in the Tsimshian language in  
12          Gitxsan. You have to abide by the law of your people  
13          and that means that you can't go out and assert other  
14          rights on other people's territories, you deal within  
15          your own.

16                       And so with that in mind, we spent several  
17          years putting together sort of a business plan based  
18          on what we had for assets.

19                       In the northwest, in particular in the  
20          Hazelton, Kispiox, Nass area there, we have a large  
21          volume of over-mature basically hemlock forests, and  
22          we've had basically a lower value wood product, fibre.  
23          Really good for biomass, not so good for -- you know,  
24          lumber industry is there but it struggled in the  
25          northwest. And so as a community we said, "Let's see  
26          what we have for assets." The B.C. government and the

1 federal government have both been involved in -- I  
2 don't know if the term is "pushing", but certainly  
3 supporting First Nations involvement in green energy  
4 and clean energy until last March.

5 So we'd spend -- I'm meeting with B.C. on  
6 Friday here. We did an analysis of everything that  
7 we'd spent to this effort and we're at about 2.7  
8 million to date to kind of be cut loose from that.

9 So I want to kind of -- I'll go through it  
10 point by point here and to address -- I guess the  
11 question is really, in terms of regulatory, how do  
12 First Nations, how can we be involved in it, to start  
13 with, and then how would we regulate ourselves or bid  
14 under some regulatory body.

15 So I think it has to be stated that given  
16 the current sort of status with most First Nations in  
17 B.C. still don't have treaties, so we have legal, I  
18 guess, rights and obligations with both B.C. and  
19 federal governments that we have to work within.

20 I guess my progress to be where I'm at now  
21 is I was kind of talked into running for Chief  
22 Councillor in 2011. My background is industry, forest  
23 industry in particular, and there's this little sort  
24 of side clause in the federal regulations that a non-  
25 First Nations person can actually run for Chief but  
26 they can't run for Councillor, so I was a sideline. I

1           ran and I was elected in 2011 for a two year term and  
2           then again in 2013. So I spent four years as the  
3           elected Chief Councillor there in Gitanyow while I was  
4           developing this on behalf of our community there.

5                       I've been married to a Gitanyow lady for 35  
6           years now, so I have roots in the community, and I'm  
7           very passionate about trying to create something  
8           successful there and in other First Nations in B.C.  
9           I've had conversations with this subject in particular  
10          with Chief Judith Sayers. She's been involved in sort  
11          of green energy for quite some time. Years. And  
12          we've discussed this. How do we engage with B.C.  
13          We're always in some kind of a confrontation maybe, I  
14          don't know, with BC Hydro and you guys maybe kind of  
15          stuck in the middle creating regulations to that.

16                       But I think First Nations -- I think the  
17          best approach, and I thought a lot about this, is we  
18          need to have -- we need to have our own body. I don't  
19          think it -- no disrespect to the B.C. Utilities  
20          Commission, but you represent the majority, and your  
21          decisions are based on the large majority impacts,  
22          whereas First Nations we have specific and very  
23          particular issues that affect us and our groups. We  
24          don't have the -- in almost every case, there's very  
25          few cases where a B.C. First Nation has the -- I guess  
26          the larger capacity to basically develop a green

1 energy of any sort and then market it. They have to  
2 -- from an economic point of view, you don't have the  
3 capacity. I don't think there's probably one First  
4 Nation in B.C. that has the individual capacity to do  
5 that. Ourselves included.

6 We need to be able to access the broader  
7 world markets. We could not develop a green energy  
8 project that just marketed to our own community.  
9 That's a non-starter from an economic point of view.  
10 I've been involved in this for quite some time and I  
11 can't point to any particular First Nation that would  
12 have a large enough internal market to, you know, get  
13 anybody to finance a project that made sense from an  
14 economic point of view to do that individually. So we  
15 need to do it as a cooperative, in my view.

16 I think every First Nation in B.C. that  
17 wanted to be involved in the production of energy, and  
18 I think almost all of them would say green energy, is  
19 -- and that's what we would focus on. We'd need to be  
20 doing that as a collective, and the only way you can  
21 do that, which is the next step that I would say in  
22 terms of regulatory, is that means that we need to  
23 access the grid.

24 And once you access the grid you're on a  
25 public utility. And so there needs to be the ability  
26 for a First Nations Utility to be able to have easy

1 and available access to the grid. We cannot develop a  
2 business plan where somebody would finance a project  
3 if we didn't have a regulatory position that says you  
4 can access that, period. Because if you can't access  
5 that, the conversation doesn't get past that. You  
6 can't go to a bank and say, "I'd like to do this and  
7 we might be able to wheel power to somewhere or we  
8 might not." The conversation is over right there.  
9 Right?

10 So there needs to be certainty around that  
11 and we need to be able to say -- if we're going to be  
12 successful, we need to be able to say that we have  
13 that as a certainty. We have the ability to access  
14 it. And I would say that the grid in British Columbia  
15 in particular has, for the most part, built on the  
16 First Nations of British Columbia's traditional  
17 territories, and for the most part has just been  
18 expropriated without dealing with that issue. So I  
19 think in my -- I'll just express Gitanyow's position  
20 is that we think that given that in the background  
21 historically, we think that we should be able to  
22 access that grid.

23 There are -- British Columbia has decided,  
24 through decisions in government to build Site C which  
25 basically killed our project. And when I met, three  
26 days before the announcement, met with Minister



1 Mungall, she didn't outright say it at the time, but  
2 there was 18 First Nations that -- along with Chief  
3 Sayers that met with the Minister to express our  
4 concern about where that was going. And we all had  
5 active green energy projects, and ours was one of the  
6 ones that got shelved on that decision.

7 So it really highlights the importance for  
8 First Nations to have the ability to not be rolled  
9 over by one government or the next government, or  
10 broader decisions. There are markets outside of  
11 British Columbia, and you know, I can't say today if I  
12 could for example sell clean green energy into  
13 Alberta, whether the numbers would work because of  
14 some of the restrictions that are there and the cost  
15 of wheeling and all of that other stuff there. I  
16 mean, physically possible. I think if we were to do  
17 this in the interest of First Nations, that we would  
18 also be considering the access and the cost of  
19 wheeling and those types of things.

20 So, if B.C. is saying after six, eight, ten  
21 years of saying "We want you to move towards green  
22 energy" and that, and then just say, "Well..." -- I had  
23 one of the members of BC Hydro, they called me up to  
24 let me know personally that they were ending the SOP  
25 program and obviously I wasn't very happy. But the  
26 comment was, "Well you're still young Mark, in eight

1 or ten years we'll do it again." You know, there is a  
2 generation of First Nations kids that -- you know, the  
3 employment and all that stuff.

4 It is important, and I understand that the  
5 Utilities Commission has a mandate that is, in my  
6 opinion, too broad to really help First Nations deal  
7 with our issues specifically, because you have to look  
8 at the entire British Columbia as a bigger picture,  
9 and that by definition usually means that in terms of  
10 rankings of importance, First Nations issues are not  
11 always there. And economic -- the ability to engage  
12 for First Nations in particular, the ability to engage  
13 in the economy, to have access to the economy, and to  
14 be self-sufficient is a huge issue.

15 I was pretty blunt when I met with the  
16 Minister, and I basically said if we are not able to  
17 engage in the economy -- and in our case, we are a  
18 reasonably isolated village where we only have single  
19 phase power, and the concept of putting our own power  
20 source there with the ability to connect to three  
21 phase, as an engineer, three phase power, therefore it  
22 creates the ability to create economy. So the spin  
23 offs are there. Without that I said bluntly we're a  
24 bedroom community for a welfare program. Kind of  
25 blunt, but it's the case of a lot of First Nations is,  
26 you know, the willingness for the government to engage

1 in that side, versus engaging in the ability to engage  
2 in the economy. And that includes, like I said,  
3 access. That is going to include, from your part,  
4 some type of regulatory decisions that allow First  
5 Nations to basically access the grid.

6 And understanding all of the safety factors  
7 and all of that that needs to be in place to do that.  
8 But the fundamental ability to access the grid so if  
9 B.C. doesn't want to buy power after six or eight  
10 years of going down this process, we can reach out to  
11 others that will. And that is obviously going to  
12 include a price on carbon, and those types of things  
13 that are going to be able to potentially give you the  
14 economic ability to do that, because if not, then  
15 we're still just economically segregated, and that is  
16 really what it comes down to is economic segregation.  
17 And there is really no other way for me to say that,  
18 is that without proper access, to be part of the game  
19 instead of sitting on the sidelines all the time. We  
20 can, you know, go through all this process and put  
21 years and years into it, we've developed forest  
22 licences that part of Flinroads sort of deal to us was  
23 that you have to build some kind of secondary  
24 manufacturing if we're going to give you a forest  
25 licence. So yes, we did that. Now we're slow dancing  
26 with BC Hydro to get access to connections.

1                   I think most First Nations here will say  
2                   that there is maybe between different levels of  
3                   government, and different ministries, they don't  
4                   always go in the same direction, so you get through  
5                   the one process where, okay, we've got a forest  
6                   licence now that helps support your biomass, energy  
7                   project, we were doing a 6 megawatt biomass energy.  
8                   We had a deal with the saw mill, for our forest  
9                   licence to support the saw mill. And for the saw mill  
10                  and residuals and stuff to support the biomass plant,  
11                  which would put three phase power to our community and  
12                  allow us to then participate in the economy.

13                  It's a big plan, but it all comes down to I  
14                  think access. I think I can sit down with 18, 20, 30  
15                  First Nations that have had interest in green energy,  
16                  right now, and I'm certain that -- obviously we would  
17                  need support. You know, financial support and all  
18                  that, to get it up and running. It's not something  
19                  that you can just do.

20                  But I think internally we would have the  
21                  ability to structure our own Commission that focused  
22                  on specifically our issues, how do you -- wheeling  
23                  power, selling power, those kinds of things. Likely I  
24                  think requires obviously some modelling from the B.C.  
25                  Utilities Commission, and so there is not a wall, so  
26                  to speak, between one entity and the next, you know?

1           You want to create layers of bureaucracy, that's kind  
2           of part of the problem already. So, I would think  
3           that there needs to be some serious discussion on how  
4           you would do that, but the concept being is that I  
5           think the First Nations cooperative utilities, and  
6           maybe take it one step further than just a regulatory  
7           branch, but also marketing and so on, that we could do  
8           collectively makes the only sense, makes the only  
9           sense from an economic point of view for financing  
10          something like that, and for getting projects to be  
11          successful is -- you would need access, bottom line.  
12          So that's my pitch.

13 THE CHAIRPERSON:       Thank you, Mr. Starlund. I do have a  
14          couple of questions, please.

15                        So you talked about, I think you said \$2.7  
16          million have been spent to date, and then with the end  
17          of the standing offer program, that's kind of hanging  
18          there now, somewhat stranded let's say. Is that the  
19          six megawatt biomass plant that you also spoke of?

20 MR. STARLUND:         Yes, well that was the -- yeah, so we'd  
21          actually signed a contract with Lambian, which was a  
22          German manufacturer of that technology. We'd  
23          developed two actual forest licences, one for 90,000,  
24          one for 180,000 cubic metres to support the fibre  
25          supply for that.

26 THE CHAIRPERSON:       Right.

1 MR. STARLUND: We did joint ventures with the local  
2 sawmill for residuals. So all of that, like years of  
3 development, community. I'm sure you guys aren't  
4 aware, but First Nations, like we wanted to build it  
5 on the reserve there which creates multiple layers of  
6 bureaucracy that the federal government regulates that  
7 and the province regulates the air that's outside the  
8 -- all those things.

9 So, we actually had to have a referendum.  
10 And let's just that the federal government doesn't do  
11 things quickly. It took us three years to actually  
12 get a referendum which, it happened three months after  
13 the SOP. And that was one of the last boxes we had to  
14 tick, because you had to -- we had to have a  
15 commercially -- land that was commercially available  
16 for the project. So that was one of the boxes that we  
17 needed to tick. There was regulatory issues on  
18 multiple layers of government, but yeah.

19 THE CHAIRPERSON: So I'm just curious. Was your  
20 intention then, with that project, that that would  
21 provide electricity directly to the community or would  
22 that feed into the grid and the community is connected  
23 to the grid so it would go into Hydro's pool of  
24 energy, let's call it?

25 MR. STARLUND: There's several components of it. It was  
26 -- we needed power. We have single phase power there.

1           So we needed a power component to get three phase  
2           there. So that's why we started with power, but we  
3           also have wood pellets. So we had two revenue streams  
4           to be able -- because BC Hydro just on its own wasn't  
5           going to do that. But you have that power stream, so  
6           the meter's turning all the time, you've got a power,  
7           you know, revenue stream from the power side. You've  
8           got heat from that component. You're drying the fibre  
9           and then you have your second revenue stream as being  
10          pellets.

11                        So, but the federal government wasn't  
12          interested in -- and we have about 18.2 kilometres of  
13          a powerline extension to get, you know, to get three  
14          phase. The government wasn't interested in having a  
15          conversation about doing that. They said, "You need a  
16          business plan on how to do it from a business point of  
17          view." So we put together a business plan that would  
18          allow us to do that by basically putting your power  
19          source here, then that would make the economic case  
20          for upgrading the powerline and you had to have that  
21          second revenue stream to do that. So yeah, it's --  
22          yeah. We've got about a gigabyte or two of  
23          information if you want to look at it.

24    THE CHAIRPERSON:     Right. And I hear, I certainly hear  
25          your comments about connection to the grid and also  
26          your comments about the standing offer program. But I

1       would like to point out that, the end of the standing  
2       offer program, that had -- that has nothing to do with  
3       the Utilities Commission. That's entirely outside of  
4       our jurisdiction. It's not a program that -- it was  
5       largely exempt from our oversight.

6       MR. STARLUND:       Yeah, it's just to access -- we need the  
7       alternative access --

8       THE CHAIRPERSON:    Understood, and access to the  
9       transmission system, the open access tariffs are  
10      certainly within -- the tariffs themselves are within  
11      our jurisdiction and we do look into complaints about  
12      practical issues around getting access to the system.  
13      And certainly we'll take this away and we'll certainly  
14      take a look at that for the report and look at it  
15      generally too.

16                        But I would also like to point out that  
17      when you're talking about electricity for export to  
18      Alberta let's say, or say Washington State, Idaho,  
19      anywhere like that, that's not actually -- that would  
20      not be within our jurisdiction either.

21                        Our jurisdiction covers the sale of energy  
22      within British Columbia. So if you had a working,  
23      viable -- if you have viable access and an open access  
24      tariff, you know, you'd have to deal with the National  
25      Energy Board to export out of the country. But you  
26      certainly wouldn't have to deal with us in that



1 scenario, or in the scenario of selling to Alberta. I  
2 just wanted to let you know that.

3 MR. STARLUND: I realize that.

4 THE CHAIRPERSON: If you're going to sell it to a point  
5 in British Columbia, that would certainly then make  
6 you a utility and we -- and you would at this point,  
7 given the way the regulations stand, you would be  
8 under our jurisdiction if you sold it to a British  
9 Columbia party.

10 MR. STARLUND: I can't image there wouldn't be a  
11 scenario where there would be both, right?

12 THE CHAIRPERSON: Yeah.

13 MR. STARLUND: We're sitting in Prince Rupert where LNG,  
14 you know, a few years ago was -- and, you know, we  
15 could add a client as TransCanada, for example, and we  
16 could sell to them directly in Kitimat, there's  
17 something going on. We obviously need cooperation  
18 from multiple levels of government to make this work,  
19 right?

20 THE CHAIRPERSON: Of course.

21 MR. STARLUND: And it's not specifically just, you know  
22 -- the Commission is one component in that, right?  
23 It's got to be layered.

24 THE CHAIRPERSON: I understand. And we will try to look  
25 holistically at all of those issues. I just wanted to  
26 point that out, but anyway, I'm sure my colleagues

1 will have some questions.

2 COMMISSIONER BREWER: Yes, I actually do have a  
3 question. So, I guess one of the things that you  
4 mentioned was a First Nations Co-op. Now, are you  
5 thinking of that as kind of a public utility, or what  
6 is -- like, what exactly do you have in mind when you  
7 say that?

8 MR. STARLUND: We need an entity to be able to access  
9 the grid and stuff. So we actually, we need to have a  
10 utility. You know, I've looked at getting a utility,  
11 but it's just impossible from a single First Nation.  
12 You need -- you need basically the mass to have an  
13 economic case for it, right? So the utility to be  
14 able to market power, you can't market power. Either  
15 you -- right now we have one market, that's BC Hydro.  
16 If we were to want to market power we'd actually have  
17 to have a utility to do that. So it's a mechanism.

18 COMMISSIONER BREWER: So, I guess what I'm asking is, is  
19 that a regulatory matter or is that simply a business  
20 structure? Like that's the question that's running in  
21 my mind when --

22 MR. STARLUND: It has to be both. Like you -- I don't  
23 think that you would have the ability -- it always  
24 comes down to economics and financing. If it's not  
25 structured right, it's -- you know, if it's not  
26 structured with the proper regulatory -- if you're

1 going to have a utility and it's just completely  
2 unstructured, I know you wouldn't lend me money. You  
3 know, it needs to have -- it has to have the proper  
4 regulatory structure to be legitimate. And so I think  
5 you can't have -- you know, it is economic but you  
6 can't have one without the other.

7 COMMISSIONER BREWER: Well, and I guess what I'm  
8 thinking of is we do have corporate structures that  
9 are, you know, have numerous bodies attached to them  
10 and whatnot that -- but you're thinking of this would  
11 be something other than, other than that I guess.  
12 Other than, like, a corporate structure such as, let's  
13 just for an example, AltaGas or BC Hydro, which BC  
14 Hydro I guess is a Crown --

15 MR. STARLUND: Yeah, we have a -- I mean, we have a  
16 corporate structure. Ours is an LP and it's  
17 structured, you get down into the weeds a bit, but  
18 it's structured to benefit First Nations from a tax  
19 point of view and all that other stuff, right? So you  
20 obviously need a corporate entity to carry on the  
21 economic side of it.

22 But I think without the, sort of the  
23 utility regulatory body that's -- if you don't create  
24 that then you don't have -- I guess you don't have the  
25 ability to legitimize the corporate part of it and  
26 have full on access and all of those other things that

1       you would need to be able to develop the corporate  
2       side.

3       COMMISSIONER BREWER:       And I guess what I'm trying to get  
4       is, is there a regulatory function within that? Or is  
5       that -- is it the kind of service, you know, service  
6       function. Are they two separate things or you  
7       thinking they were both be doing the same thing, or?  
8       And I'm getting into, kind of, the institutional  
9       elements of what it is that -- is this a governance  
10      entity or is it a commercial entity? I guess that's  
11      kind of my question.

12      MR. STARLUND:       I mean, I haven't got way deep into the  
13      weeds on how we'd structure utility and that would be  
14      a process. But I understand enough about the utility  
15      side that you require utility structure to be able to  
16      access BCTC grid and all those other thing. And you  
17      have to have actual structured agreements in place, so  
18      that then you can build out the business side of it  
19      and economic side of it. And without the one, you  
20      won't get to the economic side because it's just not  
21      legit. It has to have the structure to be able to  
22      access the grid. To have -- you know.

23                   And all of those sort of regulatory process  
24      in the place and how you would access the grid and  
25      that's in black and white and it's settled. And,  
26      "Okay, we all agree to that", BC Hydro, the province

1 of British Columbia that owns the assets, all of those  
2 things. If you don't have agreement and sort of  
3 regulations around that, you can't build out the  
4 business side of it. So it's kind of one doesn't come  
5 without the other. In my view. I don't know, maybe  
6 I'm wrong.

7 COMMISSIONER LOCKHART: Mr. Starlund, I certainly  
8 appreciate listening to you and appreciate the thought  
9 that you and your community have put into this. And I  
10 must say, it's just -- it's so interesting on these  
11 community input sessions to hear the interesting  
12 insights that people have. We are the benefit of four  
13 brains, but just hearing the community input really  
14 enhances our work. So thank you very much for taking  
15 the time.

16 When I look at the questions on the screen  
17 there, I think what you've been talking about is what  
18 are the defining characteristics of Indigenous  
19 utilities. And so for example, I hear you are  
20 suggesting, perhaps, for consideration, that it would  
21 be not just one First Nation being part of a utility  
22 but a number of First Nations would come together and  
23 be part of a utility. And those First Nations might  
24 be coming together by means of proximity or perhaps  
25 the same resource. Maybe various communities would  
26 contribute to your biomass plant, for example.

1                   So that's the idea of an Indigenous  
2                   utility. Have I kind of got that right?  
3 MR. STARLUND:    Yeah, broader than that, though. I think  
4                   in entire British Columbia there's 203 First Nations  
5                   in B.C. and I'm -- I think there's a lot of them that  
6                   have expressed interest in green energy, but there's  
7                   probably 18 or 20 that are actively -- have active  
8                   projects working on that, or actually have active  
9                   projects up and running and/or are developing other  
10                  additional. And they're strictly -- right now our  
11                  only option is to sell to BC Hydro and BC Hydro's gone  
12                  on a holiday for ten years or something. Or whatever,  
13                  right?

14                  So we essentially don't have any other  
15                  market. So if you want to market, you pretty well  
16                  have to go through a utility and I think it makes more  
17                  sense to be a cooperative because then you have  
18                  critical mass. You know, strategically, you know, if  
19                  you want to move into Washington State, it might not  
20                  be from our community. The source might not be there  
21                  but as a collective you can say, "Okay, we're going to  
22                  sell you a 150 megawatts to this customer," or  
23                  whatever, and then it goes on the grid and then you  
24                  make your -- in terms of strategically how you want to  
25                  access the grid and stuff like that. It's more of an  
26                  economic matter.

1 COMMISSIONER LOCKHART: So then in terms of a  
2 cooperative, it might be a cooperative of different  
3 utility -- different First Nations with different  
4 utility generation? So I guess for example, if a  
5 group of First Nations or a utility close to  
6 Washington State were able to supply Washington State  
7 and then a utility group of First Nations up here,  
8 Gitanyow, are you suggesting that those would be part  
9 of the same cooperative?

10 MR. STARLUND: I think it has to be. Simply because no  
11 -- I mean I wouldn't say no individual First Nation  
12 but most First Nations don't have the capacity to do  
13 something like that on their own. I couldn't -- I  
14 know we've spend money we don't have and we've taken  
15 money out of -- you know. So to be able to develop  
16 something of that capacity, it's just not going to  
17 happen on a case-by-case basis. We need to  
18 collectively do that. That's what makes sense  
19 economically. To have a structure that's supported,  
20 it needs to be supported by multiple revenues from a  
21 collective of First Nations, I think, to be able to do  
22 something like that.

23 Individually it will fail. It just --  
24 there's just not -- Gitanyow couldn't do that on our  
25 own. You know. You'd have to, as a First Nations,  
26 entire British Columbia say, I think, we put it

1           together. We have a utility where there's memberships  
2           or whatever, like a collective, a cooperative. I  
3           mean, it's a concept right now. We'd have to beat  
4           through the details but conceptually that would be, I  
5           think, how we would do that. And we'd put X amount in  
6           a portfolio and that's what you would do.

7   COMMISSIONER LOCKHART:       So then just looking at the  
8           screen again in terms of the questions. So would the  
9           cooperative be kind of on the fourth -- fourth and  
10          fifth questions, would the cooperative have sort of  
11          the function of a regulator of the Indigenous  
12          contributors?

13   MR. STARLUND:        I think again there's -- like what David  
14          was saying, there's a business side to it and the  
15          regulatory side to it. I think we do need to have a  
16          regulatory component of that utility, whether it  
17          potentially is a separate board or however we  
18          structure it, but conceptually there needs to be a  
19          regulatory process. There needs to be something there  
20          that investors or whoever wants to do this can point  
21          to something where they're just not pouring their  
22          money in a hole in the ground, right? And have the  
23          ability for accountability and so on.

24                            If the structure for accountability and  
25          regulation and everything is there, then the business  
26          component side of it has the opportunity to be



1           legitimate to make it work. You can't function  
2           without the other, so. In my view.

3   COMMISSIONER LOCKHART:       All right. Thank you very much.  
4           I really appreciate your comments.

5   COMMISSIONER FUNG:           Thank you, Mr. Starlund. I've got  
6           a couple of questions. I have to say, I am intrigued  
7           by your vision of a First Nations cooperative utility  
8           that would operate presumably over most of the  
9           province. My concern, though, is how is that likely  
10          to come about, given as you've pointed out we have 203  
11          First Nations in this province. They have overlapping  
12          claims. They have different resource portfolios, they  
13          have different political elements at play. How will  
14          you make that happen? Because it seems to me it's a  
15          mammoth task to get that underway.

16   MR. STARLUND:                I think, of course, that's kind of how  
17          the government always comes to us and says, for  
18          example, "Gitanyow, your territory is here and maybe  
19          there is some overlapping interest, so you have this  
20          much opportunity and you can't stray from that." And  
21          that's always the issue and it's always -- it doesn't  
22          allow us to have the critical mass to do anything.

23                                I think it would obviously have to be on a  
24          voluntary basis. So there's -- like I said, right  
25          around 18 or 20 First Nations that I'm aware of, and  
26          there's probably lots more with interest, but with

1 active projects that look at this as -- they would  
2 have to basically buy into that concept. And it would  
3 essentially be open to First Nations membership  
4 whether they wanted to buy into that or not. It  
5 certainly wouldn't be any kind of success if we  
6 structured it on shaving it up into little entities.  
7 It just wouldn't function that way. It would never  
8 work.

9 So it has to be -- in my view it has to be  
10 -- voluntarily you have to buy into it. Here's a  
11 membership and this is what you agree to the terms of  
12 it. It has to be -- in terms of we'd have to  
13 structure a board, the same as you guys would have in  
14 order to look at the regulatory side of it. You'd  
15 have to have a board that was for marketing and you  
16 know, it would be based on if I contributed a total of  
17 6 megawatts or 10 megawatts, you know, it has to be  
18 just like any other corporate structure where what you  
19 put into it is what you would get out of it in terms  
20 of fair equity. So if it wasn't above board and  
21 equitable right from the get-go and how it was  
22 presented, it would never function. And that's how,  
23 of course, we set up all kinds of stuff to fail,  
24 because we carve it up into so many small pieces that  
25 there's just absolutely no way for anything to be  
26 successful.

1                   So I think this is a way to probably have  
2 broader access and the ability to go beyond our tiny  
3 little component. Because essentially, until -- after  
4 six, eight years of working on this, until BC Hydro  
5 decides that they want to get back into the market,  
6 we're done.

7                   So I don't know. We sit around and let our  
8 kids get old and not do anything, or we think a little  
9 bit outside the box. I mean it's -- I'm not proposing  
10 something that's easy. But I do think it's viable and  
11 I think with a core group of B.C. First Nations that  
12 are actually engaged in energy production already, or  
13 have been way down the path of buying into this  
14 concept, we're at a stalemate now. And so I think I  
15 certainly -- the ones that I've been talking to have  
16 said, you know, we need to do something like this.  
17 But the key is access. If we don't have access to the  
18 grid, then we don't go past that point.

19 COMMISSIONER FUNG:       So I take it you have engaged in  
20 discussions with similar minded First Nations in this  
21 area?

22 MR. STARLUND:           Yeah, absolutely, yeah. Most of them  
23 are -- like, as I guess you guys might have been in  
24 this long enough to know, but B.C. had a, I like to  
25 call it a location penalty. So the price for power in  
26 the northwest was way less than the power in the south

1 coast, and so we could never get past the price. We  
2 were basically just economically sort of segregated.

3 The last iteration of the SOP kind of  
4 leveled that playing field to allow us to get into it,  
5 but the majority, based on that policy from the past,  
6 the majority of First Nations that have successful  
7 green energy projects are on the south coast of  
8 Vancouver Island. So if I want to go talk to First  
9 Nations that are involved in that already, the bulk of  
10 them are down there, a few of them are in the  
11 interior. Not too many in the north, northwest  
12 because of that. We are -- until, I don't know, six,  
13 eight years ago when they kind of changed that market  
14 pricing. That was sort of the trigger to say "Hey, we  
15 can get involved in green energy on a level playing  
16 field." So.

17 COMMISSIONER FUNG: Now, I want to talk about  
18 regulation. You had said at the very beginning that  
19 you urge the development of a separate regulatory body  
20 for Indigenous utility cooperative, for instance. And  
21 the reason you gave for that was that it's because the  
22 B.C. Utilities Commission, we represent the majority.

23 MR. STARLUND: That's my concept.

24 COMMISSIONER FUNG: Yes, so I just want to explore that  
25 idea a little bit further with you. Because you have  
26 indicated that in order to give investors comfort in

1       the legitimacy of such a utility, you need to have  
2       standard processes in place. In fact you would even  
3       model your own regulatory body along the lines of the  
4       BCUC current structure.

5                If that is the case, is it only because you  
6       want to decide your own autonomy and your own destiny  
7       that you would not choose to be regulated by the B.C.  
8       Utilities Commission? Because it seems to me that  
9       inherent in your comments is at least some acceptance  
10      that what we have in place actually works by and large  
11      pretty well, albeit for the majority, and perhaps not  
12      exclusively for First Nations' interests?

13 MR. STARLUND:       Some of the things that I think -- for a  
14      lot of First Nations, and green energy in particular,  
15      is electricity pricing for example, right? We'd have  
16      to go out and actually find customers, and then  
17      probably bundle it with carbon credits and those kinds  
18      of things to make it economically viable for  
19      customers. There are customers out there that are  
20      like, we are going to buy green energy and stuff, and  
21      for a First Nations to be able to brand that and  
22      market that, and everything like that, we'd need to be  
23      in control of the process. And like right now, you  
24      guys for example, you set pricing and if I wanted to  
25      sell something for \$120 a megawatt, I couldn't do  
26      that. But we could if we had the customer to do that,

1 right? So, we'd need that sort of flexibility to be  
2 able to say, we have -- obviously there are  
3 economically, it has to work, you've got wheeling  
4 cost, you've got all of that stuff.

5 So conceptually, if you are going to go  
6 through that whole process, you don't want to come to  
7 a point where B.C. Utilities Commission is like, "You  
8 can't do that because we're going to set prices in  
9 B.C., for example, at \$108 a megawatt," which is the  
10 last SOP pricing, right? So we were able to do that,  
11 engage in that process, because of secondary revenue  
12 streams and stuff that made that, but there is a lot  
13 of First Nations depending on their location that  
14 might not work, and it excludes them from that.

15 So, I would say that we would want to be  
16 able to not basically -- for example, this is just one  
17 example, be able to say, "Okay, BCUC is setting the  
18 price at X," and we are saying, "Well, we've got a  
19 willing customer that will buy it at Y. We'll sell it  
20 to you at Y," and not have our regulatory board say,  
21 "No, no, it is not within the best interest of the  
22 public to do that, it would be in the best interest of  
23 whatever customer base." Right? So, it has to work  
24 economically.

25 COMMISSIONER FUNG: So you want flexibility in pricing,  
26 is that one example?

1 MR. STARLUND: Sure. That's one example of why we  
2 would want to have autonomy to do that. And then like  
3 I think there is an economic marketing case to be  
4 made. That if we put our resources together, and we  
5 went to -- like the B.C. First Nations also have some  
6 political power. And for example, if you wanted to in  
7 Prince Rupert here, if you wanted to do the LNG stuff  
8 and that, we could say as part of our negotiation with  
9 government that you need to buy a certain component of  
10 green energy to offset all of your carbon emissions.  
11 And so you are going to be our customer, and we will  
12 sell it to you for X or whatever makes the negotiated  
13 price on that, and be outside of any kind of  
14 regulatory where they can buy it at, you know,  
15 transmission rate of X, and that's it, right?

16 Those are examples of how we could  
17 collectively market energy at a price that makes sense  
18 for small, rural communities, where it otherwise just  
19 doesn't work.

20 COMMISSIONER FUNG: Thank you.

21 THE CHAIRPERSON: Just one final question. I know we  
22 talked about this a little bit earlier, I just want to  
23 try -- I don't think I completely understand the  
24 picture. So this biomass energy facility that you've  
25 been developing, is there a potential for you to take  
26 the output of that facility and sell that directly to

1 a community, or communities that are near enough, that  
2 are proximate enough to it, either to completely  
3 replace the energy they purchase from BC Hydro? Or to  
4 supplement the energy they purchase from BC Hydro?

5 MR. STARLUND: Well, within the Hazelton, so for  
6 example, the powerline that supplies our community  
7 originates at the Hazelton substation, which is 70  
8 kilometres or something.

9 THE CHAIRPERSON: Right.

10 MR. STARLUND: There is several First Nations and one  
11 non-First Nations community serviced by that power  
12 line.

13 THE CHAIRPERSON: Right. So you'd have to wheel it.

14 MR. STARLUND: Today it's just impossible for us to  
15 even think about selling them power, even at rates.  
16 And the other thing would be is that we wouldn't have  
17 the infrastructure to -- and all of the billing and  
18 everything, the cost of doing that? You know, that's  
19 why you need a bigger scale.

20 THE CHAIRPERSON: Right, understood. So a small  
21 utility will --

22 MR. STARLUND: I wouldn't be up on a pole shutting  
23 somebody's power off.

24 THE CHAIRPERSON: Yes, a small utility wouldn't be  
25 economically practical.

26 MR. STARLUND: I don't think it would be economically



1           viable, yeah.

2 THE CHAIRPERSON:       And in addition you would have to  
3           wheel it over Hydro transmission?

4 MR. STARLUND:        Yeah, we'd have to be on BC Hydro  
5           assets, almost in every case. Like BC Hydro has  
6           blanketed the province, right?

7 THE CHAIRPERSON:       Okay, understood. It is not close  
8           enough to supply directly.

9 MR. STARLUND:        We have got a single phase, we've got a  
10          single phase BC Hydro feed into our community, so.

11 THE CHAIRPERSON:       Yeah, okay, okay. Thank you for  
12          clarifying. I appreciate it. Thank you very much,  
13          Mr. Starlund, we really appreciate that.

14 MR. GEORGE:         Thank you, Mark, great job. Is there  
15          anybody else here who would like to address the panel  
16          this morning? Rina?

17 MS. GEMEINHARDT:     I didn't sign up there.

18 MR. GEORGE:         That's okay. You could come up to the --  
19          yeah, well let's take a brief break and then I will  
20          come and talk to you about how we can make that  
21          happen.

22                        Okay, so we will break for 10 minutes, we  
23          will reconvene at 11:22.

24 (PROCEEDINGS ADJOURNED AT 11:12 A.M.)

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

26 MR. GEORGE:         Okay, if we could call ourselves back into

1 session, please. Okay, gentlemen. We'll call  
2 ourselves back into session.

3 Rina, would you like to come up and address  
4 the panel, please. State your first and last name.  
5 Please spell your last name for the record. Thank  
6 you.

7 **PRESENTATION BY MS. GEMEINHARDT:**

8 MS. GEMEINHARDT: I gave the ladies my card because my  
9 last name is difficult.

10 Hello, my name is Rina Gemeinhardt. G-E-M-  
11 E-I-N-H-A-R-D-T, and I'm with the Kitsumkalum First  
12 Nation.

13 Sorry, I did not actually prepare anything,  
14 I just thought I'd like to add to Mr. Starlund's  
15 presentation. So two things that came to mind is  
16 years ago in the days of BC Tel, the powerlines used  
17 to be owned by the monopoly of BC Tel until some  
18 entity told them that they would have to share, and  
19 that other telephone companies could ship their voice  
20 through the line. And I think exactly that needs to  
21 happen to the power lines.

22 Like most First Nations, Kitsumkalum is  
23 also talking with BC Hydro about opportunities, and  
24 one of the things that, for example, an idea like Mr.  
25 Starlund had about the cooperative, it would mean that  
26 there's an entity that can have more, let's say, lobby

1 power to speak with the B.C. Utilities Commission or  
2 the owners of the powerline.

3 For example, we get charged -- or we would  
4 get charged a wheeling fee if we were to put power  
5 into the grid that gets calculated, if I'm not  
6 mistaken, to go all the way down to, I think, Burnaby,  
7 or something, Vancouver, and then back up. Even  
8 though the particles of power wouldn't actually do  
9 that. If we were to sell to Prince Rupert or to  
10 Terrace, there needs to be more -- the ability to  
11 negotiate rather than having a monopoly hold the  
12 power.

13 So just two those items I thought I'd like  
14 to mention.

15 THE CHAIRPERSON: Okay, thank you very much. Thanks.

16 MR. GEORGE: Thank you, Rina. Thank you.

17 Alfie, you'd like to give a presentation to  
18 the panel? Please make your way to the microphones,  
19 please, and introduce who you are, first, last name  
20 and spell your last name for the record, please.

21 PRESENTATION BY MR. McDAMES:

22 MR. McDAMES: My name is Alfred McDames I'm from  
23 Kitselas First Nation. M-c-capital-D-A-M-E-S. 250-  
24 615-6560 if you want to talk to me after.

25 THE CHAIRPERSON: Thank you.

26 MR. McDAMES: That's my work cell.

1 THE CHAIRPERSON: Okay.

2 MR. McDAMES: Because I'm sure you're going to want to  
3 talk to me after.

4 I'm just looking at your key questions up  
5 here. For one thing I think there's probably 50  
6 people still driving around trying to fine 815 - 1<sup>st</sup>  
7 Avenue. Anybody who lives here is probably down the  
8 other end of 1<sup>st</sup> Avenue looking for 815.

9 THE CHAIRPERSON: We didn't give the wrong address, did  
10 we?

11 MR. McDAMES: No, didn't. No, but little better  
12 explanation about on the front page. It's at the  
13 Highlander Plaza. Right?

14 THE CHAIRPERSON: Yeah, yeah. Sorry.

15 MR. McDAMES: Okay?

16 THE CHAIRPERSON: Yes. Thank you.

17 MR. McDAMES: These questions raise questions in me.  
18 Okay? Should Indigenous utilities be regulated under  
19 the Utilities Commission or under another mechanism,  
20 or unregulated. Well, I don't think they should be  
21 unregulated, but I do think that there's lots of room  
22 for discussion from your Commission. I'm wondering,  
23 for instance, do you have anybody that visits any of  
24 the treaty tables that are under discussion right now?  
25 If not, you should. Because this is a very important  
26 item if we're talking about the regulation of energy

1           on our,- either original territories, which some may  
2           decide to stay with, or with the incoming treaties.  
3           You're still going to have to talk to somebody. And  
4           those discussions should be started now, and just like  
5           the bringing in of the -- well, even this discussion  
6           here, I'm sure it didn't happen last week. I'm sure  
7           it's been going on for a while within your office, and  
8           we find out about it this weekend. Right?

9                         We have a lot of First Nations up here that  
10           if they had more notice about this, they would be  
11           here. And I think a little more attention needs to be  
12           given to the -- it would be good if you folks were in  
13           touch with the treaty tables. Because this is too  
14           important to be left to a -- you know, to a Monday,  
15           and then, "Well, we had our meeting our up north and  
16           this is what they decided." It's not going to work.  
17           You will have push-back from that.

18                        The other question that comes up in my mind  
19           about this whole issue is there are some serious  
20           discussions going on right now that B.C. as a whole,  
21           or I would say the majority of B.C. is unceded  
22           territory, and that is something to be constantly  
23           reminded of until things change. I am 74 years old  
24           and I have yet to see a bill of sale for my lands or  
25           any other lands apart from the northeast. So there  
26           needs to be continued discussion.

1                   I would hate to think that decisions would  
2                   be made on our behalf without consultation, actual  
3                   consultation with the First Nation. And I look  
4                   forward to those things happening. Because I think we  
5                   can have very fruitful discussions, you know, based on  
6                   the questions and the responses that I'm hearing now.  
7                   They would be very fruitful discussions. We have good  
8                   people at our tables, and you'll benefit from that  
9                   experience, and beginning to dialogue with the people  
10                  we have throughout the province.

11                  And the stuff I'm talking about, the fact  
12                  that we're talking about unceded territory, that's a  
13                  commonly held thought in B.C. And so these questions  
14                  will be there. I think that for instance, we could be  
15                  talking about some kind of partnership which would be  
16                  a recognition, which is a big word, right? From there  
17                  we could begin to work. And there would have to be  
18                  some trust issues worked out on both sides.

19                  So yeah, there probably should be our own  
20                  -- as Mark brought up earlier, our own regulatory  
21                  body. Interesting question came out of that from you  
22                  folks, would it be commercial or just regulatory?  
23                  Well, that's something for us to think about and talk  
24                  about.

25                  We have become awakened in the last, say,  
26                  twenty years or so to opportunities that exist in the

1 energy sector, and we are discovering that we do sit  
2 on energy. In Kitselas, for instance, we have a  
3 pretty major thermal energy, but when we talk to BC  
4 Hydro about it, "Oh, sorry, no, we're not buying any."  
5 But we could have a pretty substantial development  
6 there. But why is it now that we're getting ready, we  
7 have opportunities, we have one long windy area from  
8 Williams Creek all the way to Telkwa that would be  
9 good. I've been talking to some windmill people. But  
10 now when we have these potential opportunities, we  
11 get, "Oh, no, we're not buying anything." Because  
12 they got the C dam thing there. Not interested.

13 So I am interested in further discussions  
14 among First Nations about the cooperative, you know,  
15 that would see us work together to market our energy.  
16 If we can't sell it in B.C., we'll sell it somewhere  
17 else. Right? But it would be good if we could work  
18 together, in this, our province.

19 Now that last little point over there, if  
20 Indigenous utilities aren't regulated would utility  
21 become subject to the UCA? You know, you're kind of  
22 asking for a fight with a question like that, right?

23 THE CHAIRPERSON: Not intentionally, sir, no.

24 MR. DAMES: And I'm too old to fight. My fighting days  
25 are long ago.

26 THE CHAIRPERSON: As am I.

1 MR. DAMES: But, I guess what I'm saying is, we need to  
2 -- if we're serious about this, on both sides --  
3 because I can assure you that our people would be  
4 that, if you folks need to be serious and sit down  
5 with us at our various tables. Right? And I think we  
6 could probably get somewhere. But just organizing  
7 this amongst yourself -- or I don't know how long, a  
8 couple years. And then the one page Facebook ad at  
9 815 - 1<sup>st</sup> Avenue. I kind of rode around for 15 minutes  
10 trying to find it until I saw "plaza" down there, then  
11 I knew where it was.

12 So, no, I look forward to positive  
13 discussions, but I'd like to see B.C. be cognizant of  
14 our wishes too. We do not see a future in welfare.  
15 We do not see a future in government handouts. We  
16 have the resources in our territories. We need to  
17 have the ability to develop and market those resources  
18 to customers, local, domestic and export.

19 Because everyone else has been benefiting  
20 from the resources from our territory for years, and  
21 they continue to. We export shiploads, container  
22 loads of logs to China today. They're traveling down  
23 there every day, truckloads of beautiful logs. And if  
24 we'd had them in Terrace and Gitanyow, time -- but we  
25 were sawmilling -- we'd still be working the sawmills.  
26 But we were left with a little spindly corkscrew type



1 logs and we did very good. We developed technology to  
2 process those logs.

3 So, I think that we need to get into  
4 serious discussions with open minds, open hearts, that  
5 will benefit all British Columbians. Right? And not  
6 just those words, "Well, we're benefiting the  
7 majority." That's fighting words too. Because  
8 resources, energy, they exist in our territories. We  
9 can and we should work together. And I guess that's  
10 about all I have to say. If you have any questions  
11 for me, great.

12 THE CHAIRPERSON: Thank you, Mr. McDames. I don't have  
13 a question but I do -- I would like to say, I'm sorry  
14 that we didn't -- about the confusion over the ad for  
15 starters.

16 And I'd also like to explain, at least from  
17 the Utility Commission's perspective, we haven't been  
18 internally discussing this for two years. This was --  
19 we were requested by government to conduct this  
20 inquiry. We were given some forewarning of it, but  
21 the start date ended up being considerably delayed.  
22 And it was -- and then we were given an end date. So  
23 we have a set of dates that we have to work between.

24 And I completely understand that -- I get  
25 your point. That there hasn't been time for notice.  
26 Or for, you know, as much notice as -- or more notice

1           than we have been able to provide. However we're very  
2           happy and pleased that you've come out and the people  
3           in this room have come out, and the people that have  
4           come out over the last few sessions that we've had.

5                        But what I'd like to ask you though is, do  
6           you have any advice for us going forward, given these  
7           constraints that we're working under, that we have to  
8           produce a report by November 1<sup>st</sup> and we've -- I don't  
9           know if you've had the opportunity to see the rest of  
10          the timeline that we've laid out. If you have any  
11          suggestion for us. And also, when we do produce the  
12          draft report, you know, how can we involve you in the  
13          process of review of the draft report in the three  
14          months between the draft and the final? So if you  
15          have suggestions, either now or at a later date,  
16          please let us know.

17   MR. MCDAMES:       That's why I gave you my cell number.

18   THE CHAIRPERSON:   Thank you, fair enough.

19   MR. MCDAMES:       No, I have suggested for instance that you  
20          have some people within your office contact the B.C.  
21          Treaty teams, your representatives at the various  
22          tables. And I will bring it up with our head  
23          negotiator for Kitsumkalum, and so it will be brought  
24          up. And I'll be encouraging others to do the same  
25          thing. And that could become part of the ongoing  
26          discussion. The reason why it's serious, we're --

1 we're at stage 5, which means that we're at the last  
2 chapter, or the last section or stage of potential  
3 treaty. I'm not saying we're going to accept it, but  
4 that's where the negotiating teams are at. So it's  
5 kind of serious, if it's going to get there it needs  
6 to be at least a discussion.

7 THE CHAIRPERSON: That's right, thank you. Okay, anyone  
8 else have any question?\*

9 MR. McDAMES: You mean I was totally clear?

10 THE CHAIRPERSON: Yes, very clear.

11 MR. McDAMES: Thank you.

12 MR. GEORGE: Thank you.

13 I want to -- I appreciate the suggestion,  
14 Alfie, about the BC Treaty tables. I want to point  
15 out that one of your colleagues, I believe Mr. Tim  
16 Thompson from Kitselas Geothermal, did a presentation to  
17 the commission on Friday in Williams Lake and your  
18 presence here today in support of that presentation is  
19 greatly appreciated.

20 Just by show of hands, who's interest in  
21 addressing the panel this morning? Okay, I've got  
22 one, two, three, okay. And I want to ask for some of  
23 your guidance here. We have lunch scheduled for noon,  
24 but I want to suggest that we pause lunch until we  
25 hear from the three presentations here. Rather than  
26 having a couple of presentations, having an hour break

1 for lunch and then having to come back. This might be  
2 a better use of everybody's time. Is that agreeable,  
3 people?

4 Thank you. Who'd like to address the panel  
5 next? Okay, please make your way up to the center  
6 table here. State your first and last name and spell  
7 your last name for the record.

8 PRESENTATION BY MS. SKIDMORE:

9 MS. SKIDMORE: Good morning. My name is Marie Skidmore,  
10 S-K-I-D-M-O-R-E, and I'm employed with Metlakatla.

11 My question, I'm -- hopefully I ask the  
12 question in a manner that you can interpret in a way  
13 that is useful. I look at your questions up here and  
14 as a individual that works in a First Nation, I find  
15 that I work in multi-layers of jurisdiction. So, and  
16 the fellow that spoke just before me mentioned that  
17 regarding treaty. We as well are in stage five in the  
18 treaty process.

19 However, what I'm referring to is the  
20 multi-layers of jurisdiction. So you're going create  
21 regulation, and me as a First Nation, as a person that  
22 works within First Nation, starts sending up red  
23 flags. Because any project I do, whether it's  
24 building a house or any other action I take, if I'm on  
25 the reserve I deal with federal legislation and their  
26 regulations. As soon as I step off reserve, I start

1       dealing with another layer of regulation, which would  
2       be provincial. It depends on which area I'm in. If  
3       I'm working up against the ocean I'm dealing with a  
4       totally different federal body.

5                So I have to take all of these regulations  
6       and I have to somehow find a way to link them together  
7       in order to function in the community and produce a  
8       project. So if we decide to do an energy project, I  
9       have to find my way through all of these regulations.  
10      And if you're creating another regulation and you  
11      aren't linking these things, how am I going to find my  
12      way through it?

13               I guess that -- I look at these questions  
14      and I think, okay, I'm on a reserve and if I -- do  
15      these regulations just apply outside that reserve, as  
16      soon as I step off? But how does that build my  
17      relationship with somebody like BC Hydro? To me, this  
18      creates -- it's like a big tangle of wire that I have  
19      to figure out -- find my way through in order to move  
20      a project ahead.

21               So that's my question to you, is how are  
22      you approaching that regulation nightmare that First  
23      Nations already live under and are restricted by?

24      THE CHAIRPERSON:     Well, my first attempt at an answer is  
25      that our jurisdiction is -- by "our" I mean the  
26      Utilities Commission's jurisdiction is limited to the

1 regulation of, as it's worded in the Act, a person,  
2 which is broadly speaking an entity or an individual,  
3 a corporation, an entity that sells energy to someone  
4 else in British Columbia. And at this time, given the  
5 BCUC's most recent findings and you know, I'll let  
6 Lino correct me if I'm wrong here, but at this time  
7 any sale of energy anywhere in the province, including  
8 on federal land that's covered by the *Indian Act*, is  
9 subject to our regulation.

10 And what we're trying to do in this inquiry  
11 is to determine whether that is appropriate or not.

12 And so the tangle of other regulations and  
13 laws, like environmental laws and other laws, I'm  
14 sorry, I hate to just throw my hands up, but that's  
15 not something that's within our jurisdiction. And  
16 even when it comes -- as you point out, even when it  
17 comes to shoreline, if you were to put an energy  
18 project in the water, in the ocean, then that wouldn't  
19 be covered by our jurisdiction either. It would be  
20 only anything that's on land in British Columbia  
21 that's selling to another entity in British Columbia.

22 And what we would like to do is we would  
23 like to clarify that part of the tangle of regulation  
24 and see if that's the appropriate way to regulate  
25 utilities that are owned, controlled and serve  
26 Indigenous peoples.

1 Lino, do you have anything to add to that?

2 MR. BUSSOLI: That's correct. You are correct. So the  
3 jurisdiction of the Commission, of the Utilities  
4 Commission is the sale of energy within the province  
5 of British Columbia, whether or not that's on any type  
6 of land, Indian Reserve, federal land or provincial  
7 land.

8 MS. SKIDMORE: Okay, I understand that piece. I guess --  
9 I'll give you an example. A number of years ago I  
10 worked for a First Nation and we were building a  
11 gravel quarry, an aggregate quarry. And it's on  
12 reserve, but our customer is three kilometres away off  
13 reserve, and he's building asphalt, which was great.  
14 We have the gravel.

15 The layers of regulation I had to find my  
16 way through -- in fact, I had to hire legal counsel to  
17 help me navigate that process just to sell the guy  
18 gravel three kilometres away. And that's what I'm  
19 talking about. It's not simply that I have the power,  
20 and I'm coming to you and -- or you're coming to me  
21 and saying, "I want to buy your power because I need  
22 to power this project."

23 Well, now we have to get the power from me  
24 to you, but it isn't that simple when you're on  
25 reserve. And that's what I'm getting at, is how are  
26 you addressing that issue for people like me that have

1 to deal with projects and have to -- you know, I have  
2 an expectation that the First Nation, whether it be  
3 the chief and council or the corporation are building  
4 something and I have a responsibility to ensure that  
5 that something gets to market.

6 THE CHAIRPERSON: Well, subject to any further comments  
7 of Lino or my fellow panel members, I would say we've  
8 noted what you are saying and we will address that in  
9 the report. We will address the issues around getting  
10 energy into and across First Nations territory and  
11 lands.

12 MS. SKIDMORE: Thank you. That's all I had.

13 THE CHAIRPERSON: Okay, thank you.

14 MR. GEORGE: Thank you very much.

15 Chief, did you want to address the panel?  
16 Please make your way up to the centre table, state  
17 your first and last name and please spell your last  
18 name for the record, Chief.

19 **PRESENTATION BY CHIEF CAMPBELL:**

20 CHIEF CAMPBELL: I'm a little different so I'll sit in  
21 this chair.

22 Thank you. My name Alexander Fred  
23 Campbell, Hereditary Chief Lax Kw'alaams. And I  
24 suppose you know how to spell my name, okay.

25 I stand and I speak for the tribe, number  
26 one. Our tribe, Kispiox tribe, Eagle Crest.



1                   Secondly, I will speak on behalf of the  
2           nine tribes Lax Kw'alaams. I am not involved in the  
3           politics area.

4 COMMISSIONER LOCKHART:        I didn't hear what you said.

5 CHIEF CAMPBELL:            I can't hear you.

6 COMMISSIONER BREWER:        Oh, she just wanted to know what  
7           you were not involved in.

8 CHIEF CAMPBELL:            Elected band council.

9 COMMISSIONER BREWER:        I see. Thank you.

10 CHIEF CAMPBELL:        I have a couple of questions that I want  
11           clarified. Number one, why is this targetted to only  
12           Indigenous people? Because we, from Lax Kw'alaams, in  
13           a number of 3,000 plus and we have maybe a thousand on  
14           our village right now and the rest are out working in  
15           different areas – Vancouver, Alberta, Vancouver  
16           Island. Things like that.

17                   Okay, and I see written on here that we  
18           will manage our resources or the hydro for one. To  
19           me, what I gather here from why we are targetted,  
20           Indigenous, I heard the previous speaker, and I'd like  
21           to back up what she said there about being on a  
22           reserve. Okay? When we're on a reserve, our hands  
23           are tied, because we, as the tribe living on the  
24           reserve, cannot really do anything unless we go  
25           through the elected body. But most of the time the  
26           elected body will never really move for the

1 membership. Okay?

2 The reason why I'm saying this is because  
3 we have a lot of people in our hometown, at times they  
4 cannot meet the payment on Hydro and therefore they  
5 get cut off, okay? Because we don't have any  
6 employment on our reserve at all. What we get from  
7 the government does not cover anything like utilities,  
8 only for food and clothing. That's about it. The  
9 rest we have to struggle for. Okay?

10 Speaking of our membership, it says here  
11 that we will manage our own. Does that tell me that  
12 those that are living off reserve will not pay taxes  
13 as well for their hydro, wherever they live? Is that  
14 included in this statement? Not only from Lax  
15 Kw'alaams, but all down in British Columbia. We need  
16 clarification, mostly on what's been put forth. And  
17 we do have a timeframe I see here. January 31, 2020  
18 is just not too far away from us. And our village,  
19 Lax Kw'alaams has never heard of this before, or seen  
20 it.

21 So myself, I'd like to ask for time. Give  
22 us time to talk about this and get some people up  
23 front, like the Elder that was speaking a while ago.  
24 Give us time. Let's talk about it.

25 And I heard the first speaker talking about  
26 getting all Indigenous people together, and how are we

1 going to do that? We have to really know each other.  
2 We have to come together with a voice, okay, from  
3 Indigenous governments.

4 I don't know why our leaders are not here  
5 today, because I believe the message went over to Lax  
6 Kw'alaams to the secretary. Maybe we did not pass out  
7 the activities that's happening today. But when I got  
8 a phone call I said, "Yes, I will make a commitment  
9 this day." I teach in high school, so I asked to get  
10 off for this day to be here.

11 And now I'd like to say from the Indigenous  
12 government, community members, utility owners and  
13 operators, and the public, we have some places where  
14 we could put in a turbine for hydro. We have a place  
15 here called Laheim [phonetic] and it goes by the ocean  
16 tide that could give us power of Laheim, Metlakatla  
17 and Lax Kw'alaams if Hydro would look at it and let us  
18 know what we could do. Because on here it says we  
19 could manage our own resources.

20 And that's what I came up to ask, the  
21 questions I had for you.

22 THE CHAIRPERSON: Thank you, sir. To answer your  
23 question about the tax issue, and I'm sorry to have to  
24 say it this way, but it's not within our jurisdiction,  
25 the tax, and it's not an area that we've been asked to  
26 look at. So the short answer to your question is no,

1           it's not within the scope of the inquiry.

2 CHIEF CAMPBELL:       Well, I heard Section 35 mentioned  
3           during the introduction.

4 THE CHAIRPERSON:     Yes.

5 COMMISSIONER FUNG:    If I can just interject here.  
6           You've asked a very good question in terms of what  
7           happens to the taxation base for people who are  
8           members of your First Nation but live off reserve.  
9           But unfortunately, that's not an issue that we, as a  
10          regulatory body in British Columbia, are entitled to,  
11          or have the right to decide. That is an issue  
12          strictly up to the federal and provincial governments  
13          to manoeuvre between themselves. It's a sad reality,  
14          and I agree with you, that there's all kinds of  
15          constitutional issues that need to be addressed in  
16          dealing with that issue, but there's not one that we,  
17          as I said, as a regulatory body has the power or the  
18          legal right to determine on behalf of First Nations.

19                 And you've asked the question at the  
20          beginning about why is this inquiry targetted at  
21          Indigenous peoples. And what I would say in response  
22          to that is that it is not targetted, per se, at  
23          Indigenous peoples, but rather that the provincial  
24          government has asked for our help in looking at the  
25          entire issue of whether or not First Nations that run  
26          and operate their own utilities ought to be regulated

1 at all. And the reason that has come about is because  
2 under the *Utilities Commission Act*, which governs how  
3 we operate, we have the right to regulate, as Chair  
4 Morton has said earlier, any utility that provides  
5 energy services for compensation or for money in this  
6 province. And in fact, we have the obligation to do  
7 that. We cannot back away from it.

8 However, under the current legislation  
9 there's ability on behalf of, for instance, municipal  
10 utilities that operate within the municipal boundaries  
11 to be exempt from regulation. So the question arises  
12 naturally for us is, should First Nations be treated  
13 in a similar manner to municipalities that provide  
14 service within their own municipal boundaries. And  
15 that's what's given rise to the request for the  
16 Commission to look at this issue, and the direction  
17 from government for us to look at that. And what  
18 principles ought to apply when we look at utilities  
19 that are owned or operated by First Nations.

20 I'm not sure that helps you, but that's the  
21 genesis of how this came about. It was certainly not  
22 our intention to target our inquiry at First Nations  
23 only, but rather it's a by-product of the need to look  
24 at whether or not some form of exemption should apply  
25 when we are talking about First Nations' owned and  
26 operated utilities in the same way that we've given

1 the benefit of the exemption to municipal utilities.

2 CHIEF CAMPBELL: Thank you. Yeah, because to me it  
3 says "Indigenous". It doesn't say anybody else.

4 COMMISSIONER FUNG: And unfortunately that is the terms  
5 that's included in the terms of reference that the  
6 provincial government has provided to us as a basis  
7 upon which we are going out and asking the questions.  
8 But please, don't take it in a negative way. I don't.  
9 In fact, what I look at it, it's an opportunity for us  
10 to contribute it to the analysis of which entities in  
11 this province ought to be exempt from regulation and  
12 on what basis, on what principle basis we can do that.

13 CHIEF CAMPBELL: Thank you. And one more. I'd like to  
14 know who could be responsible for our meters on our  
15 homes, because when they put in what's known as smart  
16 meters, our payment went up three times higher than a  
17 regular meter. Where can we go to change that, or to  
18 make it work?

19 THE CHAIRPERSON: So if you have a concern about your  
20 meter and the way it's operating, you should talk to  
21 BC Hydro, and if you're not satisfied, you can contact  
22 us and we would be happy to investigate. I mean, that  
23 sounds like there may be something wrong with the  
24 meter if there's a sudden jump like that. And if it's  
25 not something that you get any satisfaction from BC  
26 Hydro, we'd be happy to investigate that complaint.

1 CHIEF CAMPBELL: Because there is several complaints in  
2 our hometown.

3 THE CHAIRPERSON: Well, can I leave that with you Laura  
4 to -- Laura can talk to you after and provide you with  
5 some information about how to deal with that. Okay?

6 CHIEF CAMPBELL: All right.

7 THE CHAIRPERSON: Thank you.

8 CHIEF CAMPBELL: Thank you very much.

9 THE CHAIRPERSON: Thanks for speaking. Thank you.

10 COMMISSIONER LOCKHART: Chief Campbell. Can I just ask.  
11 I'm curious about the turbine that you mentioned, the  
12 La Heim? Maheim? turbine.

13 CHIEF CAMPBELL: Laheim, yes.

14 COMMISSIONER LOCKHART: What stage of development is  
15 that project at?

16 CHIEF CAMPBELL: Well, it's going to go by the tidal.  
17 There's a place here that has a strong current when  
18 the tide comes in that could run a turbine, a good  
19 sized turbine I believe.

20 I used to work in a sawmill that was run by  
21 water power and it produces all the power we need in a  
22 sawmill, produces our electricity. So talking and  
23 thinking about that, we could put a turbine right  
24 here, Laheim. Okay? When the tide goes out, that  
25 turbine is going to go; tide comes in the turbine  
26 would go on the other side unless it could be

1 reversed. (Native language spoken)

2 MS. LOCKHART: Thank you very much. I appreciate your  
3 comments.

4 CHIEF CAMPBELL: It's great. A few drawers to look into,  
5 okay. Thank you very much.

6 THE CHAIRPERSON: Thank you very much, Chief.

7 Mr. Wilson. State your first and last name  
8 and spell you last name for the record, please.

9 **PRESENTATION BY MR. WILSON:**

10 MR. WILSON: Good morning, Mr. Chair and Commissioners.  
11 Ross Wilson. W-I-L-S-O-N. I don't know if it's the  
12 ambiance of the room or if it's the very nature of  
13 what I'm witnessing here compared to what the  
14 Utilities Commission used to look like. It's  
15 welcoming because you're allowing basically those who  
16 have an interest in the topic to step up to the mike.  
17 I don't need to go into the structure of what it  
18 looked like, but I participated in it. At that stage  
19 it was very legalistic as you can imagine.

20 I'm the executive director for the  
21 Metlakatla Stewardship Society. And I'll give you a  
22 bit of a summary of how the Society came about and  
23 some of the questions we have in and around the key  
24 questions that you do have. So Metlakatla is also a  
25 community in line with the Lax Kw'alaams tribes of the  
26 coastal Tsimpsean. And there's no need to go into the



1 fact that they've been here since time immemorial.  
2 And there's a lot of evidence to prove that.

3 A little over seven years ago the  
4 Metlakatla governing council decided it was time to  
5 create a program that would take on the responsibility  
6 of stewardship within the territory. And the mandate  
7 was to look after the lands, waters and resources in  
8 perpetuity. The reason they decided to do such a  
9 program is because at one time or another, that  
10 governing council, the development corp and the treaty  
11 office were doing some form of stewardship on the side  
12 of their desks. And it wasn't doing them any justice.

13 So hence the Stewardship Society and our  
14 society follows under the *B.C. Societies Act*, but we  
15 are also responsible to get consent from the Governing  
16 Council. So within that mandate, I'll make it very  
17 clear, that I'm only here to look at the interest of  
18 the Metlakatla Stewardship Society and their mandate,  
19 that I have no responsibility with the Governing  
20 Council or the Economic Development Corporation of the  
21 Nation.

22 So you're in the heart of coast Tsimshian  
23 Territory. If you look out the window, you see one of  
24 the major industries of this region; that being  
25 shipping. The fact is that this location is a day and  
26 a bit quicker to the Orient and Vancouver are even

1 worse than the Americans on the Pacific Coast. The  
2 very fact that the shipping industry services the  
3 world and this being one of the closest locations to  
4 the Orient and also one of the quickest routes to the  
5 East Coast being by rail, there's going to be a high  
6 interest in the area. There already is a high  
7 interest in the area.

8 If you looked at what DP World wants to do  
9 in the next year or so is double their shipping  
10 interest on cargo containers. That's going to further  
11 increase trucking and the railway. And you've  
12 probably understood what's happened in the past few  
13 years in the LNG industry. Maybe I'll just surround  
14 it by the oil and gas industry, LNG being one of them.

15 So in looking at servicing those major  
16 industries, there's a lot of offshoots are going to  
17 come from that. And the fact is energy, the demand  
18 for energy is primarily one of the desperate needs  
19 because right now what we've been told is that the  
20 energy we do receive from the Peace River Region is  
21 barely keeping up to what we have here now.

22 In our discussions with the LNG proponents,  
23 they recognize that as a problem. And almost every  
24 one of those proponents had said that they'd be  
25 interested in inside the fence power source. And  
26 Metlakatla said, "No. That's not possible." If you

1        were to create your facility within the territory,  
2        there would be a lot of issues in around the potential  
3        for contamination being air quality. So that there'd  
4        be a more willingness from Metlakatla to look at  
5        outside the fence energy source.

6                What that means I don't know. I'm not in  
7        those rooms. I'm just telling you what I know. So if  
8        we look at, if LNG were to come to Prince Rupert  
9        Harbour area, there would be a demand to answer that  
10       need.

11                So earlier I made some mention to the  
12        mandate we have on behalf of the Nation and as we went  
13        through the pressures of the LNG stage, I want to call  
14        it a stage, we had some complications in and around  
15        the provincial and federal agencies that were  
16        responsible for regulation. It was quite apparent  
17        that it was inadequate. It was quite often we would  
18        do the work that we were supposed to do and send in  
19        our comments to the referral process, and at times the  
20        regulatory agencies wouldn't even respond to us or  
21        would just say thank you.

22                So both Metlakatla and Lax Kw'alaams pushed  
23        the envelop on this and said, "This is not adequate."  
24        And this is around the time when the federal and  
25        provincial governments started using the term  
26        "reconciliation". And that gave us a window of

1           opportunity to push. So one of the first -- I'm not  
2           going to name any names, but one of the first LNG  
3           proponents that were getting close to FID, which is  
4           their decision to go ahead, both Metlakatla and Lax  
5           Kw'alaams basically said, "The process you have in  
6           British Columbia, looking at referrals, regulators,  
7           regulations is flawed and we need a place at the  
8           table."

9                        So there was the opportunity to work at  
10           that table with whether you call it a resolution or a  
11           solutions table. And I believe that's what the Haida  
12           use in the forest industry, is a Solutions Table,  
13           where they have a place at the table to discuss those  
14           issues that are within the operations.

15                      So in looking at where we can go with the  
16           questions we have up there, whether there's an  
17           Indigenous Utilities Commission or an arm of the  
18           current Utility Commission, that's not for me to  
19           answer. I think that's a bigger question for all the  
20           nations across the province and there are other  
21           organizations that represent the Nations across the  
22           province, such as the AFN. And I think that if we  
23           were to look at a structure where we would either have  
24           an Indigenous utilities commission or an arm of the  
25           Utilities Commission, there would be a need to have it  
26           sub-regional nature because we know the kind of issues

1           that the Peace River have in and around Site C, and I  
2           wouldn't expect the coastal Nation to be infringing on  
3           what the Peace Nations are interested in strategizing  
4           around the operations of that whole interest.

5                        So looking at a sub-regional approach as we  
6           get a place at the table to answer the questions.  
7           Now, if it's an arm of the Utilities Commission, to  
8           process it, we've had experience with this at Tier 1.  
9           So we might be at a table, but we also have a  
10          different meeting time to talk about the issues that  
11          we have and willing to bring forth to the bigger  
12          picture Utility Commission in general.

13                      These are my suggestions as our experience  
14          through working with the federal and provincial  
15          referrals process and government and industry  
16          interests into industrial pressures in Coast Tsimshian  
17          Territory. Again, I made it clear that this is a  
18          mandate of our office to do this. If there is an  
19          interest to look at the (inaudible) issues that you  
20          would have to set up another process with the Economic  
21          Development Corporation. If you're looking at  
22          consent, that is nothing to do with the Stewardship  
23          Society. The consent comes through the Governing  
24          Council and the Metlakatla Stewardship Society have  
25          been given the authority to be consulted and to be  
26          accommodated specifically to the Stewardship mandate.

1           If there are other interests outside of the  
2           stewardship, you'd have to go to Governing Council for  
3           that. And I imagine there's commercial interests at  
4           the Development Corp.

5                        I think I'll end my, what do they call it,  
6           my platform.

7   THE CHAIRPERSON:    Thank you, sir.

8   COMMISSIONER BREWER:  Thank you for your presentation,  
9           Ross. I guess one of the questions that I have  
10          because you raised the issue of process and you  
11          suggest that if there was to be some kind of potential  
12          integrative process or something like that, integrated  
13          institution, I suppose, that there would be a regional  
14          component to the integration. And I'm wondering if  
15          there are specific processes that we might be able to  
16          refer to that you may be aware of because you  
17          mentioned something earlier, that we might look to to  
18          kind of get some further develop that idea?

19   MR. WILSON:    Without really being involved in their  
20          process, the Haida Solutions Table in forestry seems  
21          to be -- they're not saying it's perfect, but it gets  
22          them a place at the table. I wouldn't know where to  
23          go for that, but I imagine it's --

24   COMMISSIONER BREWER:  Okay, thank you.

25   MR. WILSON:    We could also, my environmental assessment  
26          team as well as the Lax Kw'alaams, could also

1        participate in answering some of those questions in a  
2        round table that we had when we sat and talked about  
3        LNG.

4        COMMISSIONER FUNG:    Thank you, Mr. Wilson. I just want  
5        to get some clarification. You had mentioned that  
6        developers had engaged in discussions with you about  
7        potential projects involving inside the fence power  
8        source and that you rejected that because of the risk  
9        of contamination, but you would consider outside the  
10       fence power source.

11                            I just want to understand what is the  
12        distinction and your definition of that?

13        MR. WILSON:    Well, their definition was to use the very  
14        liquid they were putting through the pipelines and  
15        having it evaporate and burn that for power. And that  
16        in itself was creating a lot of issues around air  
17        quality. And the outside the fence opportunity is  
18        something that it could have been the tidal power that  
19        Smooygit Campbell talked about earlier, or it could  
20        have been wind because there's been a long-standing  
21        proposal on wind energy on the hill here.

22                            So it was outside the fence, I wasn't in  
23        the rooms to discuss that, but that was the kind of  
24        rational that Metlakatla took.

25        COMMISSIONER FUNG:    Okay. Thank you very much.

26        THE CHAIRPERSON:    Thank you very much, Mr. Ross. I

1 appreciate it. Sorry, Mr. Wilson.

2 MR. GEORGE: Thank you very much, Ross.

3 Is there anybody else that would like to  
4 address the panel this morning? Anybody else? If you  
5 want to make a comment, you have to come up to the  
6 front here, Mr. Starlund. Again, first and last name,  
7 spell your last name for the record, please.

8 Mr. STARLUND: Mark Starlund, S-T-A-R-L-U-N-D. Just a  
9 follow up on what Ross said. The outside the fence is  
10 hydroelectricity. So.

11 MR. GEORGE: And the inside the fence is burning the  
12 natural gas?

13 Mr. STARLUND: Burning the natural gas, yeah. So, I  
14 think the proposed one that Ross was talking about is  
15 like a 100 megs, so, each one of these projects so,  
16 significant power source for a lot of places probably.

17 MR. GEORGE: Okay. Thank you sir.

18 COMMISSIONER FUNG: Thank you for that.

19 MR. GEORGE: Okay, thank you, sir. Anybody else?

20 Seeing none, what I'd like to do is to  
21 offer a high level summary of some of the key ideas  
22 that were shared here this morning. Again from a high  
23 level, they're not meant to be exhaustive. They're  
24 not meant to replace the record, the public record  
25 that we are putting together through the  
26 transcription, but just to reflect back to you some of



1 the key ideas and concepts that myself as your  
2 facilitator have heard here this morning.

3 And I got a couple of sets of notes here.  
4 On the point of regulation it was suggested that First  
5 Nations need our own body rather than the BCUC, as  
6 BCUC decisions are based on the majority whereas we  
7 have specific needs and issues within our communities  
8 and within our Nations.

9 First Nations require greater access to  
10 broader world markets not just provide energy to their  
11 own communities and people. And a notion of a  
12 cooperative approach, a First Nation cooperative  
13 approach was introduced this morning to energy  
14 development in B.C. for First Nations.

15 It was suggested that greater coordination  
16 is required amongst provincial entities to facilitate  
17 better access to the grid and to the broader economy.  
18 And the dialogue ensued around the First Nations  
19 cooperative idea, such as regulation, business  
20 development, marketing, service delivery and oversight  
21 were some of the key areas that were touched upon.

22 Through this work and the structuring of  
23 the ten sessions throughout the Province of British  
24 Columbia, a lot of effort has been put in to ensure  
25 that the word has gotten out. And a lot of work  
26 through the BCUC process and system. Efforts were

1           made through the provincial government system and  
2           efforts were made through the Four Directions  
3           Management System to get the information out to our  
4           people. But we're always looking at ways to improve.  
5           So the suggestion about Treaty Tables, particularly  
6           those that are well advanced in the treaty process  
7           too, were noted here today that are in stage five of  
8           the treaty process, some potential reach out was  
9           proposed to those was suggested. And you know,  
10          comments such as that are welcome.

11                         Historically a lot of benefit has been  
12          derived from the resources of the territories and  
13          again overtures made here today that First Nations  
14          need to benefit from the territories as well.  
15          Multiple layers of jurisdiction that we work in and I  
16          think that's one of the complications of being an  
17          Indigenous person within the Province of British  
18          Columbia, it's like a big tangle of wire, as was noted  
19          from one of our speakers. That big tangle of wire as  
20          it relates to regulation and as it relates to  
21          taxation.

22                         Smooygit Campbell reminded us that by and  
23          large within the province of British Columbia  
24          Indigenous people suffer and struggle. And in far too  
25          many of our homes, far too many of our families,  
26          poverty is normalized. So affordability and access to

1 services is critical for healthy families and, you  
2 know, participation in the broader economy.

3 I want to acknowledge the Commission here  
4 today and the work of the staff to make this a  
5 welcoming atmosphere. And that was one of the core  
6 goals that we had around the inquiry, was while it's  
7 still a quasi-judicial process and it has the  
8 formality to it, to make it more accessible to our  
9 members who want to ask questions or make presentation  
10 and to hear that we're on the right track is certainly  
11 encouraging for all of our work.

12 High interest in this area, because of your  
13 access to the world and in a small way I've been  
14 privileged to do work up in the territory here and up  
15 in the northwest, and understand the complexity of the  
16 governing systems, understanding the tremendous  
17 opportunities that derive from those governing systems  
18 and the territories that you have called home for  
19 millennia. Servicing a major industries like oil and  
20 gas, there's a desperate need for energy because what  
21 we're receiving from the Peace region cannot keep up.  
22 And again, the inside and outside the fence  
23 conversation which I think is germane to the  
24 conversation here today.

25 Lastly, reconciliation was noted and it's  
26 given the space to push for more Indigenous

1 participation. And at the end of the day, as Mr.  
2 Wilson noted, wanting a seat at the table. And the  
3 idea of this tier one, tier two dialogue approach  
4 suggested and in different meeting rooms there are  
5 tier one dialogues that are First Nations specific as  
6 a preparatory to tier two dialogue which include other  
7 interested parties. So that kind of staged approach  
8 to Indigenous participation and Indigenous dialogue  
9 was suggested as a potential path forward for the work  
10 that we are doing here with the Commission.

11 I want to thank you very much for taking  
12 time out of your busy schedules to be with us here  
13 today. And before I turn it over to Dave for his  
14 comments, I want to just remind people that anyone who  
15 wishes to provide written evidence can send it to the  
16 BCUC by July 15<sup>th</sup> of 2019. This is not your only  
17 opportunity to get information into the inquiry.  
18 There are also an availability of capacity, monies, to  
19 support you and should you want to avail yourself of  
20 that or you want to learn more about that, please see  
21 the BCUC staff who are in attendance here today.

22 An interim report on the BCUC's progress  
23 and preliminary findings is due by December 31<sup>st</sup>, 2019,  
24 which will take into account presentations made at the  
25 community sessions and written submissions. As noted  
26 in Laura's presentation this morning, a draft of this

1 report will be made available for comments to  
2 Indigenous communities and other interested parties by  
3 November 1<sup>st</sup>, 2019. We ask that you make note of that  
4 date. Again, that will give you an opportunity to  
5 reflect on the draft report and to offer any other  
6 insight or ideas that you may have. And the final  
7 report to the government of B.C., with the BCUC's  
8 final recommendations is due January 31st, 2020.  
9 Should you require more information on the inquiry and  
10 how to stay involved, you can find that through the  
11 B.C. Utilities Commission, BCUC.com.

12 (Native language spoken). Thank you for  
13 coming out today and spending the morning with us. I  
14 want to thank all of you, our Elders and others who  
15 have participated here today and for such the warm  
16 welcome into the community. And it's good to see some  
17 friends of mine when I come back to the territory.

18 So, thank you very much. Chairman?

19 THE CHAIRPERSON: Thank you, Dan. I'd like to add my  
20 thanks to all, to the Chief, to the Elders, to  
21 everyone else that's joined us today. And thank you  
22 for all of your thoughtful comments. We will consider  
23 all of them when we write our report and we look  
24 forward to hearing your feedback on the draft report.  
25 And feel free to contact the Commission at any time if  
26 you have anything further that you want to add.

1           There's a number of ways that you can continue to  
2           contribute to the inquiry, as Dan has pointed out.

3                       So I'd like to wish you all safe travels  
4           home and once again, thank you very much.

5 (PROCEEDINGS ADJOURNED AT 12:29 P.M.)

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

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A.B. Lanigan, Court Reporter

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June 11<sup>th</sup>, 2019

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