

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

FORT ST. JOHN, B.C.
June 25, 2019

Community Input Session

BEFORE:

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

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FORT ST. JOHN, B.C.

June 25th, 2019

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(PROCEEDING RESUMED AT 10:07 A.M.)

4

(INTRODUCTION)

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MR. GEORGE: We have a speaker who has registered, Zach Harmer. Zach, if you could make your way to the table here, please. Speak into the microphone. Introduce yourself and spell your last name for the record.

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PRESENTATION BY MR. HARMER:

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MR. HARMER: Good morning. My name is Zach Harmer, H-A-R-M-E-R. And I'm here on behalf of the Canadian Geothermal Energy Association. I'd like to start off by acknowledging that we're on the traditional Treaty 8 territory and I thank the Treaty 8 Nation for welcoming us on to their territory.

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So as mentioned, I'm representing the Canadian Geothermal Energy Association or CanGEA. CanGea represents the voice of 32 members across Canada, including five in B.C.. CanGEA's membership includes developers, service companies, engineering firms, municipalities and the First Nations.

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Just a bit of history. CanGEA had the honour participating in the Site C process, in which our contributions led to geothermal energy being part of the alternative portfolio.

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My team and I will be preparing a written

1 submission that will be submitted on or before July
2 15th. In our submission CanGEA is going to analyze
3 case studies of Indigenous and community owned
4 geothermal heat and electricity utilities. And I
5 would like to thank and acknowledge the First Nation's
6 Major Project Coalition for raising the New Zealand
7 Māori case study within their recent submission that
8 will accompany their oil testimony.

9 CanGEA will utilize these case studies,
10 along with several other electricity and heat utility
11 examples within New Zealand to illustrate how these
12 utilities are owned, operated and regulated. As well
13 as highlight how the Indigenous communities are
14 benefitting.

15 We will also provide analyses of several
16 community owned geothermal district heating utilities
17 throughout the globe, including the Boise, Idaho
18 district heating system. The goal of our submission
19 is to present the case for how Indigenous or community
20 owned geothermal utilities, both power and heat,
21 operate in the world today. And what barriers exist
22 within B.C. that makes it difficult for projects,
23 similar to the case studies presented, to move
24 forward.

25 CanGEA is also working with our member
26 company, Kitselas Geothermal Inc., who is registered

1 as an intervener in this inquiry. We are working to
2 ensure that information is not repeated. We're also
3 working with our member company, Borealis Geopower who
4 is registered as an interested party. Again, to
5 ensure that we are not communicating the same
6 material. It is worth noting that one of Borealis'
7 projects is near the village of Valemount, who is also
8 a CanGEA member, whose interests are also served.

9 With geothermal energy being a unique
10 renewable resource in terms of its development process
11 and the operation side, CanGEA was compelled to
12 participate in the Indigenous Utility Inquiry to
13 ensure that geothermal energy as a utility was
14 properly represented.

15 I'll do my best to answer any questions
16 that you may have right now. But in the event that I
17 do not the answer, I will take the question and
18 provide an answer within our submission.

19 I look forward to this inquiry moving
20 forward quickly and efficiently so that interested
21 parties, including Indigenous communities, can move
22 forward with securing their energy future.

23 Thank you.

24 COMMISSIONER LOCKHART: Mr. Harmer, thank you very much
25 for taking the time to address us this morning. Can
26 you tell me about CanGEA, is it a national membership?

1 Do you have members across the country? Primarily, I
2 would assume primarily in Alberta, British Columbia?

3 MR. HARMER: Yeah, thank you very much for the question.
4 So yeah, we are a pan-Canadian association with
5 members spread throughout Canada from the Maritimes to
6 Northern Canada. But yes, you are correct that the
7 majority of our members are located within Alberta and
8 British Columbia.

9 COMMISSIONER LOCKHART: And although we, the B.C.
10 Utilities Commission, we do not regulate geothermal
11 energy. Does Alberta's -- does our peer in Alberta
12 regulate geothermal energy?

13 MR. HARMER: That's a bit of an interesting question.
14 Currently in Alberta there is no formal regulatory
15 framework for developing geothermal energy resources.
16 That's something that we're working on, but -- so, no,
17 there is no current framework in Alberta.

18 COMMISSIONER LOCKHART: All right, thank you. Thank
19 you.

20 THE CHAIRPERSON: We appreciate it. We look forward to
21 you and your members' submissions, thank you.

22 MR. HARMER: Thank you very much.

23 MR. GEORGE: Thank you, Mr. Harmer.

24 Is there anybody else in present that would
25 to address the panel with either comments or
26 questions?

1 Let's take a short break and I'll work you
2 over and makes sure that you get up to the table.
3 Take a short break for 10 minutes. Okay, we'll
4 reconvene at 10 to 11.

5 (PROCEEDINGS ADJOURNED AT 10:39 A.M.)

6 (PROCEEDINGS RESUMED AT 10:53 A.M.)

7 MR. GEORGE: Thank you very much. Is there anybody
8 interested in addressing the panel?

9 Tamara, please make your way up to the
10 table, give your first and last name and spell your
11 last name for the record, please.

12 **PRESENTATION BY MS. DOKKIE:**

13 MS. DOKKIE: Good morning. Sorry, I'll move this a
14 little bit closer. My name is Tamara Dokkie, last
15 name D-O-K-K-I-E. I am the land use manager for West
16 Moberly First Nations. And really I just had a couple
17 of questions for the board.

18 Well firstly, a comment. Please don't take
19 the lack of Treaty 8 members here as disinterest. We
20 are just super busy up here, so I know that a bunch of
21 my council would have loved to have been here.

22 So for me, West Moberly First Nations is a
23 small but progressive community and, you know, we're
24 always looking into different alternative energies.
25 And of course you know our history with Site C and our
26 willingness to move beyond something other than dams.

1 My question is has the board looked at
2 geothermal and what it can do for the community? And
3 have you looked at regulations in other parts of the
4 country or world as to how you would regulate
5 geothermal?

6 THE CHAIRPERSON: Well, I can answer that on behalf of
7 the Commission generally, as opposed to necessarily
8 this panel in this proceeding. We have looked at
9 geothermal. We did a fairly in-depth look at
10 geothermal when we did the Site C report. And one of
11 the things that we did in the Site C report -- one of
12 the questions that we were asked there was if Site C
13 didn't go ahead we were asked to develop an
14 alternative portfolio of renewable energy that would
15 provide the equivalent amount of energy at the same or
16 lesser price than Site C would over the next 50 or
17 whatever years.

18 And we developed a number of alternative
19 portfolios, and the best performing of those
20 portfolios had a significant amount of geothermal
21 energy. In fact, they were almost entirely made up of
22 demand side reductions in use and geothermal energy.
23 And we did that because -- in part because the
24 Canadian Geothermal Association provided us a lot of
25 evidence in that proceeding about geothermal potential
26 in the province and information about costing and so

1 on.

2 So we did look at that in that report.
3 Those are about the only opportunities, though, that
4 we as a Commission have to look at -- you know, to
5 take a broad general look at things through inquiries
6 like this. Otherwise, most of our time is spent on
7 applications that come to us. And, you know, if we
8 don't get an application to approve a geothermal
9 energy project then we -- you know, in the normal
10 course we don't look at it and we haven't conducted
11 any kind of an inquiry into geothermal energy alone.

12 But from what we heard from our first
13 speaker they are or will be active in this inquiry, so
14 we will be looking at the evidence that they put
15 forward in this inquiry. And I do understand there's
16 a number of First Nation partnerships with his members
17 that I don't think they're at the production stage
18 yet, although I'm not that knowledgeable about it, but
19 we will certainly be taking a look at those.

20 MS. DOKKIE: One more question.

21 THE CHAIRPERSON: Yeah.

22 MS. DOKKIE: Is there the possibility to have the
23 deadline for comments extended?

24 THE CHAIRPERSON: Yeah, first of all let me just
25 preface this by saying -- and also address your
26 initial comment. I'm sorry that we've come here at a

1 time that's not as convenient. Please understand that
2 the time -- the timing is largely out of our hands in
3 terms of -- well, the schedule was largely out of our
4 hands, it was -- as I indicated before, we were
5 directed to do this inquiry and do it, you know, in
6 this timeframe.

7 And we wanted to make sure that we gathered
8 comments before we would be sitting down to write the
9 report, which since the report is due at the end of
10 October we're going to need to be doing that in the
11 sort of September-October timeframe. And then we
12 wanted an opportunity to get the comments and we
13 thought that -- and were advised that the further into
14 summer we got the worse the timing is, so that's how
15 we arrived on this timing.

16 But that said, as far as extending the
17 comment period, yes, we would certainly consider
18 looking at that. To what date would --

19 MS. DOKKIE: To be perfectly honest, I'm not sure.
20 September? Because if I could get my Council down I
21 know that we would have some useful comments. It's
22 just the timing. And certainly, you know, First
23 Nations in summer is --

24 THE CHAIRPERSON: Sure. Well, if you could get
25 comments to us even in September we could try to
26 accommodate that. Also we're considering -- well, the

1 report will be going out for -- the draft report will
2 be going out for comment on November 1st and -- or
3 October 31st, I can't remember which of the two dates,
4 but one of those two dates. So the draft report will
5 be going out then and the final report is due at the
6 end of January.

7 So there's another three-month comment
8 period on the draft report and, well, although we'd
9 probably like the comments before the end of the year
10 so we can incorporate the comments into the final
11 report, so there would be that opportunity also.

12 And we are considering reaching out again,
13 coming out to -- when people have had a chance to read
14 the draft report and provide comments orally or in a
15 worst case comments could be provided, you know, by
16 email in that period. So there's that opportunity
17 too. But if you would like an opportunity to comment
18 before the draft report we'd be happy to look at
19 extending into September.

20 MS. DOKKIE: Yeah, I think we would. I think -- I can't
21 speak for other communities, but at least with our
22 community we would prefer to have our comments in
23 before a draft, when you give us a draft.

24 THE CHAIRPERSON: Understood. Yeah, I know. Then it's
25 kind of casting the stone then, I get that.

26 MS. DOKKIE: Exactly.

1 THE CHAIRPERSON: Yeah.

2 MS. DOKKIE: Thank you.

3 THE CHAIRPERSON: Yeah, you're welcome.

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

6 Okay. And please state your first and last
7 name, and spell your last name for the record, please.

8 **PRESENTATION BY MS. DUKE:**

9 MS. DUKE: Hi, my name is Lois Duke. My last name is
10 D-U-K-E. My community is Kelly Lake, B.C. We have
11 been there since before Canada was formed, 1876.

12 So we first got power -- or I'll go back a
13 little bit. So we are not part of the Treaty 8. Our
14 community was left out of Treaty 8, as well as we're a
15 non-status community, although there are some ties to
16 some of our people to other communities, but a vast
17 majority of us are non-status. So we're not
18 recognized by the federal government or the provincial
19 governments. Until recently the Ministry of B.C. has
20 come in to provide services, but does not want to
21 recognize anything in regards to aboriginal title and
22 right.

23 So with that being said, Kelly Lake is
24 approximately 100 kilometres from Dawson Creek and
25 approximately 100 kilometres from Grande Prairie,
26 which are the two major centres closest to Grande

1 Prairie -- or to Kelly Lake. So we first had power in
2 1964 and it was brought in through Alberta. So our
3 power was brought in through Alberta with some sort of
4 agreement with B.C. to provide us with power.

5 So as you can imagine, that is costing our
6 community a lot of money. So we have approximately 43
7 homes that are on that system. Some of -- most of the
8 homes are between the ages of 35 and 45 years old,
9 some homes are even older than that. Because we are
10 not recognized by the government our community is not
11 thriving.

12 We also, through this new relationship with
13 the Ministry of B.C., we have been approved to build
14 twelve new homes in our community. And due to the
15 housing guidelines they need to be in close proximity,
16 so we're obviously going to be looking at ways to heat
17 these homes more efficiently, rather than how we've
18 currently been doing it.

19 I guess my question -- I have a couple
20 questions. One is, how are we not on a B.C. grid?
21 Why are we getting our power from Alberta?

22 THE CHAIRPERSON: I don't think I can give you a
23 definitive answer, Ms. Duke, but I can speculate. As
24 you pointed out, your relationship with getting power
25 from Alberta goes back a number of years and likely
26 goes back before the grid was significantly built out

1 here. And the cost at that point then of connecting
2 your community to the grid would have been more than
3 the cost of connecting it to the Alberta grid, and so
4 that would likely have been why the connection was
5 made to Alberta.

6 And if now you're closer to the B.C. grid
7 than you were at point in time -- and I don't whether
8 that's the case or not, but if you are closer to the
9 grid, then there would still be a connection fee that
10 you would have to pay to get connectivity to the B.C.
11 grid, and it may not be economic to do so.

12 Now, I believe the rates that you pay are
13 regulated by the Alberta Utilities Commission, if I'm
14 not mistaken.

15 Mr. Miller, are you aware of --

16 MR. MILLER: I'm not aware of this particular
17 situation, Mr. Chair.

18 THE CHAIRPERSON: Yes. I am aware of the situation, I
19 do believe that we don't regulate at all. I believe
20 the understanding or the agreement was that you would
21 pay the same rate that the Alberta Utilities
22 Commission approves for that utility. So you would --
23 you're treated as if you were an Alberta resident for
24 the purpose of the rates that they charge you.

25 So I don't know whether that's more or less
26 than you would pay were you connected to BC Hydro.

1 But I think it's probably -- Mr. Miller, I would say
2 it's probably fair to say that if the community wanted
3 to be connected to BC Hydro and were willing to pay
4 the connection fee, that that would be possible.

5 MR. MILLER: Again, that would be up to the Commission
6 whether or not they would order a service to be
7 delivered to the particular community.

8 THE CHAIRPERSON: Yeah.

9 MS. DUKE: So, again, goes back to our community is not
10 funded federally or provincially and they're already
11 in a situation where they can't pay the prices of the
12 power bill as it is. So if you're looking at a 800
13 square foot home with a power bill of \$400 --

14 THE CHAIRPERSON: That's a steep bill, yes. Yeah.

15 MS. DUKE: Yeah.

16 THE CHAIRPERSON: Yeah. I'm sorry, I can't -- I'm not
17 familiar enough with the situation, but I -- you know,
18 I could ask our staff to look into it and perhaps they
19 could contact you and they may be able to help walk
20 through it and see what the issues are.

21 MS. DUKE: Well, if you know our territory and our
22 traditional territory, it straddles the Alberta-B.C.
23 boarder and we are a rich territory. There's oil and
24 gas being extracted. It's -- our backyard is filled
25 with well sites and roads and everything in-between.

26 THE CHAIRPERSON: Right.

1 MS. DUKE: So, again, it goes back to the question who
2 is responsible for the Indigenous community of Kelly
3 Lake and where do these funds come from to make our
4 community more -- to thrive? Where does this come
5 from? Who's responsibility is it? B.C. Utilities
6 Commission, is it your responsibility to make sure
7 that we have rates that are comparable to other First
8 Nation communities?

9 THE CHAIRPERSON: Generally it's our responsibility and
10 our -- and required by statute to ensure that rates
11 charged by utilities in British Columbia are fair and
12 not unduly discriminatory, and are fair and just and
13 not unduly discriminatory, that's the wording in our
14 Act and that's our responsibility.

15 As I said in your particular case, I think
16 if I recall correctly, there was some sort of historic
17 agreement made that your community would be supplied
18 by the Alberta utility. But I do apologize, I just
19 don't have the information. I'd be happy to have
20 somebody look into it.

21 MS. DUKE: So is that something you would be willing to
22 look into?

23 THE CHAIRPERSON: Absolutely.

24 MS. DUKE: Looking at that historic agreement to see
25 how you can better serve the Indigenous people of
26 Kelly Lake, B.C.?

1 THE CHAIRPERSON: Yes.

2 MS. DUKE: Because we are British Columbians.

3 THE CHAIRPERSON: Absolutely, yes. I am happy to look
4 into it. And I will. And this panel will also make a
5 note of it, and we will include it in the report. But
6 I will also take it offline and have my staff look
7 into it.

8 MS. DUKE: Yes, because I would like to see our
9 community go back to a time when we had over 300
10 people living in our community, but due to non-
11 participation with the oil and gas industry in our
12 backyard, non-participation in any sort of economic
13 development in our region, our community is dying
14 right now. We have approximately 100 people living
15 there, and with very little support from B.C. or the
16 federal government, we are looking to change that. We
17 are looking to make relationships with organizations
18 and industry and government, so that we can rebuild
19 our community.

20 THE CHAIRPERSON: Of course. I understand.

21 MS. DUKE: Okay.

22 COMMISSIONER FUNG: I have a question. Ms. Duke, thank
23 you very much for sharing what you've shared with us.
24 I was just wondering for the new home that you are
25 building currently, how are you planning to deal with
26 this power supply to those homes? Are you working

1 with the Alberta utility currently? Or are you
2 looking at alternatives right now?

3 MS. DUKE: So currently we've only just been approved by
4 the B.C. Housing to build these homes. So over this
5 next year we are going to be looking at what that
6 looks like. So we are working with B.C. Housing as
7 well as a firm in Vancouver that is going to help us
8 identify how to make these houses more energy
9 efficient. Currently our homes are run by wood heat
10 and electric heat and propane. So we have propane
11 that's being trucked in. We have wood heat on very
12 old structures that's a concern for fires. We have
13 baseboards and electric heat that's being supplied to
14 us at a high rate.

15 So we definitely understand that we have
16 some issues in our community that we want to change
17 for these new homes that are being built. So, I had
18 the opportunity to come to a CleanBC seminar last
19 week, and they gave us some great ideas, and now
20 sitting here with you, I feel like there is going to
21 be some better ideas coming out of that. And working
22 with B.C. Housing, and our housing society that has
23 been put in place to make sure that the homes that are
24 coming in are sustainable, as well as affordable.
25 Because again, we're looking at a group of people that
26 have been marginalized over the years. There has been

1 no support for education. Everybody that lives in
2 Kelly Lake has their piece of land that they pay taxes
3 on. So we are in a unique situation where, yes, we've
4 been Indigenous people, but with no supports. That
5 means that the marginalization of our people has got
6 us to where we are today, and it's not in a very good
7 position.

8 COMMISSIONER FUNG: No, I'm very sorry to hear that.
9 So thank you for sharing that.

10 THE CHAIRPERSON: Thank you very much. Please make
11 sure you give me or give Phil or someone your contact
12 information and we will be in touch, okay?

13 MS. DUKE: Okay, thank you.

14 THE CHAIRPERSON: Thanks.

15 MR. GEORGE: Thank you very much.

16 Is there anybody else that would like to
17 address the panel? Do you want to take another pause?

18 THE CHAIRPERSON: Yes please. Sorry. I'm nodding my
19 head. You can't show that on the transcript.

20 MR. GEORGE: Okay, let's pause until 11:30, and then we
21 will try again. Thank you.

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

23 (PROCEEDINGS RESUMED AT 11:32 A.M.)

24 MR. GEORGE: If we could reconvene, please.

25 I want to offer another opportunity for
26 anyone who would like to address the panel. Any

1 interest? Okay. Okay, excellent, thank you.

2 So I'm not seeing any other presentations
3 to the panel. Our lunch is here. I want to move
4 towards winding down the session. I want to speak to
5 the fact that we are hosting 10 Community Input
6 Sessions around the province, as I noted in my opening
7 comments. This is the seventh of ten. We'll be in
8 Prince George later this week and we'll be in Victoria
9 and Campbell River next week. We encourage you to
10 reach out to people in your network to have them
11 attend either one of those three sessions and/or
12 representatives from your own nations, your own
13 organizations.

14 Anyone who wishes to provide written
15 evidence can send it to the BCUC by July 15th, 2019.
16 An interim report on the BCUC's progress and
17 preliminary findings is due by December 31st, 2019,
18 which will take into account presentations made at the
19 community sessions and written submissions. A draft
20 of this report will be made available for comment to
21 Indigenous communities and other interested parties by
22 November 1st, 2019. That's the trajectory or the path
23 that we're on currently.

24 The final report to government of B.C. with
25 the BCUC's final recommendation is due January 31st,
26 2020.

1 Again, more information on the inquiry and
2 how to stay involved can be found at bcuc.com.

3 I want to thank the panel for being here
4 today. I want to thank each of you for taking time
5 out of your busy schedules to be with us here today.
6 We do have a lunch, we'd like you to join us for lunch
7 and put a bunch of those sandwiches in your purses and
8 pockets as well. Because there's lots of food there.
9 And once again, thank you for taking the time.

10 (PROCEEDINGS ADJOURNED AT 11:34 A.M.)

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

14 
15 A.B. Lanigan, Court Reporter
16 

17 June 25th, 2019
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