

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

CAMPBELL RIVER, B.C.  
July 3, 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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**CAMPBELL RIVER, B.C.**

**July 3, 2019**

**(PROCEEDINGS COMMENCED AT 10:05 A.M.)**

(INTRODUCTIONS)

MR. GEORGE: So as I noted earlier, we have no registered speakers here today. I want to encourage you to address the panel. We have an opportunity here today, and to help stimulate some of your thoughts, I want to identify some of the themes that I have heard so far. The listing that I'm going to be providing right now are not meant to be exhaustive, but some of the themes that I have heard from your peers throughout the province of British Columbia.

We've heard about competition. We've also heard about capacity, and some of the capacity deficiencies that might be present, either in the human resource area or in the energy area. We heard about the importance of collaboration in joint ventures and partnerships. Financing was raised at our sessions. Title and rights, the *UN Declaration of Rights of Indigenous People*. The Truth and Reconciliation Commission Calls to Action were also referenced largely through a reconciliation lens. The role of Canada has been surfaced in our dialogue, environmental sustainability and economic participation, our communities energy needs. Some of

1 the opportunities as well as some of the challenges  
2 faced by our communities.

3 The users of energy, how we might move  
4 towards greater integration and alignment. The use of  
5 technology and innovation. We heard about ownership  
6 as well as governance, and when we've talked about  
7 governance we've heard it in the form of hereditary  
8 governance, elected governance or governance over the  
9 boards that might be overseeing the energy  
10 opportunity. Safety has been top of mind for many of  
11 our presenters. Greater self-sufficiency for  
12 Indigenous peoples. The remoteness that many of our  
13 communities have, special access remote communities as  
14 -- and again partnerships in alignment with joint  
15 ventures and collaboration.

16 From a high level, those are some of the  
17 emerging themes that we've heard. Again, not meant to  
18 be exhaustive by any stretch of the imagination, but  
19 offered to invite you into what we've heard so far and  
20 to encourage you to address the panel today.

21 We have -- if you have not registered to  
22 address the panel, in an effort to make the process  
23 and panel more accessible to our people, we are  
24 offering opportunity to address the panel here today.  
25 Should you chose to address the panel, we ask that you  
26 come up to the centre table here, state your first and

1 last name, and spell your last name for the record,  
2 and offer your comments to the panel that is here.

3 The one final comment that I will make, it  
4 is building off of Chair Morton's comments. Carolann  
5 Brewer is also an Indigenous member of one our  
6 communities here in the Okanagan as well. So just so  
7 you know that there's some Indigenous representation  
8 on the panel. Okay?

9 Would anybody like to come and address the  
10 panel? Please. Make you way up to the centre table,  
11 first and last names, spell your last name for the  
12 record, please.

13 **PRESENTATION BY CHIEF BLANEY:**

14 CHIEF BLANEY: Good morning. I'm Darren Blanely, D-A-R-  
15 R-E-N, Blaney, B-L-A-N-E-Y. I'm the Chief of Homalco  
16 First Nations. And Homalco comes from a  
17 mispronunciation of *?ayajuθəm*, and *?ayajuθəm* in our  
18 language is the people of the rapids. So all the  
19 rapids that you see around here going up to Bute Inlet  
20 and around our territory, that's what our people are  
21 named after.

22 And Homalco is the northern-most Salish,  
23 and we speak the -- again, it's called the Comox  
24 dialect, and that's an anthropologist that was lazy in  
25 my mind, and so they didn't get the name of our  
26 language properly and our people called it [native

1 language word].

2 And so our territory in the treaty process  
3 goes all the way down to Denman Island, comes up  
4 through Campbell River, goes up through Call Inlet  
5 along the Strait of Georgia and up into the Chilcotin  
6 Territory, up to Tatlayoko Lake and over towards  
7 Powell River, Sliammon territory, because we're  
8 closely related to the Klahoose, Sliammon and K'omoks.  
9 We all speak the same language.

10 And many of the place names come from our  
11 language, throughout our territory. Even if you look  
12 across the water here, Quathiaski Cove, that comes  
13 from our language. It means [Native language work].  
14 It means island at the mouth of.

15 So that, I think, is -- just lets you know  
16 that we've been here for a long time. And many of the  
17 place names come in our languages from this land, not  
18 like the English language which is bits and pieces  
19 from everywhere in the world. But our language is  
20 from this land. Probably between the four nations,  
21 when we were about 2,000 people and we're working to  
22 save the language.

23 The utilities, I did not know about this  
24 until yesterday. Somebody told me about it so I  
25 decided to come down. And I remember having a meeting  
26 in Musquem and I was talking to Scott Fraser about the

1 government approving Site C, and when the government  
2 approved Site C, I told him, "You've killed all the  
3 hydro projects in all the different territories  
4 throughout the province. You've concentrated all that  
5 energy into Site C when it could have been distributed  
6 throughout the provinces, through all the different  
7 First Nations in all the different parts of the  
8 province and you could have had economic development  
9 for First Nations throughout the province rather than  
10 putting it all into one area in the Peace River that  
11 doesn't really benefit First Nations. In fact, you've  
12 got First Nations fighting Site C in court."

13 And that was pretty frustrating when that  
14 happened, because we had many micro-hydro projects we  
15 were doing some studies on in our territory and that  
16 would have been part of Homalco's economic benefit.

17 The problem with the -- like right now you  
18 have -- in forestry, the province take out about 1.2  
19 million cubic metres of timber out of our territory  
20 each year, and Homalco's share of that is 49,000 cubic  
21 metres. That does nothing for reconciliation. All we  
22 are doing is surviving as a forest company. It  
23 doesn't give us economic benefits. It doesn't advance  
24 us in any way economically. So the struggles that we  
25 have to go through, we have to go through different  
26 forest companies to see if they'll give up some

1 tenure, and that's not likely.

2 Yet, we have territories that are --  
3 there's no treaty. So technically B.C. doesn't own  
4 the land. And that is -- I know in treaty  
5 negotiations -- we're in treaty negotiations, and the  
6 province and Canada have agreed to on a government-to-  
7 government basis, and that's recognition of our rights  
8 to the land. If you want to go to government-to-  
9 government, because we have a government, but that  
10 government has been denied us because of what happened  
11 in residential schools. Residential schools didn't  
12 only damage people that attended, it damaged the  
13 governance structures of each community that those  
14 people came from, all the teachings that were  
15 disconnected throughout those territories,  
16 disconnections from the language, from the land, from  
17 the Elders, and from a potentially healthy adulthood.

18 I went to residential school, and many of  
19 the people that I've gone to residential school with  
20 are gone. One of them was sex abused and last year he  
21 opted for assisted suicide because his insides were  
22 failing, mostly because of the -- I think it's the  
23 emotional that he hadn't healed and so his body  
24 started falling apart, so he opted for assisted  
25 suicide last -- a year ago in June.

26 So those are the things that we, as a

1 community are trying to address.

2 We cannot count on the government to help  
3 us heal. We have to heal ourselves. And that comes  
4 from our resources of our territory. We have very  
5 little access to the resources and that's the struggle  
6 that's out there right now. We've gone through the --  
7 a land code, we're working on a land code right now to  
8 gain greater control of our reserve lands.

9 And if you take a look at our reserve lands  
10 in our territory, they are all within the river  
11 systems of our territory. Access to water, access to  
12 the salmon resources, that was the purpose of it. Now  
13 it looks like it can be access for hydro potential.  
14 And when you've got the hydro potential, there's all  
15 the transmission lines that goes throughout all  
16 different First Nations' territories and there's no  
17 benefit to them for those lines going through their  
18 territory.

19 And that's the -- you know, the government  
20 has just agreed to some gaming revenue sharing, the  
21 last province in Canada to do so. You know, we are  
22 kind of -- we have to depend on the government until  
23 we get our own economy going. And our land base right  
24 now is too small to have an economy. We could look at  
25 forestry, but forestry is all locked up.

26 So, it sounds like there's some potential

1           for First Nations to get involved in the energy  
2           sector, and what does that mean? Is it something  
3           that's being worked on right now? And part of what I  
4           think we need, if this thing is going to be looking at  
5           regulating First Nations' energy, does that mean that  
6           you're taking all our information and then you'll come  
7           back to us with some regulations? Or are we going to  
8           sit down and negotiate? Or is there some kind of  
9           umbrella agreement like the Yukon has in their treaty  
10          process?

11                        I don't know what kind of -- I'm assuming  
12          that there should be some kind of a common regulation  
13          that goes throughout the province through all First  
14          Nations, but I'm not sure how that will work. So  
15          that's why I'm suggesting that maybe it's an umbrella  
16          agreement with First Nations, like the Yukon did with  
17          their treaty with all these different common issues.

18                        We've had -- you know, after they approved  
19          Site C we continued to meet with Judith Sayer's group.  
20          And Garry Feschuk from Sechelt was part of that. And  
21          that was kind of disappointing to see the amount of  
22          megawatts that can be taken up by a First Nations.  
23          They've leveled it down to about five megawatts,  
24          something like that.

25                        You know, when the hydro project we were  
26          looking at in Bute Inlet, it was -- they were like 45

1 megawatts, 30 megawatts. We were going to be over a  
2 thousand megawatts, bigger than Site C. And because  
3 it was so big, they required a different level of  
4 environmental assessment. A federal level of  
5 environmental assessment. And that took too long.  
6 And by the time the government had already had a  
7 change of heart on the micro-hydro projects.

8 So I think for a First Nations to benefit  
9 from the utilities, if there is a plan to move in that  
10 direction it should go back to micro-hydro projects.  
11 I know we've had meetings with the Chilcotans. The  
12 Chilcotans are our neighbours in the head of Bute. We  
13 used to gather there together each year, a long time  
14 ago, until the Chilcotans war. And we supported them  
15 in their court case when they went for their  
16 declaration of title. And in that process we haven't  
17 had a chance to sit down yet to figure out what we can  
18 do to partner up.

19 And with what Sechelt was talking about  
20 when I went to the meetings with Gary and Judy was --  
21 they were talking about the ability to export.  
22 Because if the province wasn't going to have any need  
23 for it, then why should we be locked in to the  
24 province? Because we have to generate revenue  
25 somewhere along the way. And it's very difficult when  
26 there's very little economy in the different

1 territories.

2 Our people used to be fishermen. And in  
3 1969 with the Davis Plan the government took away 24  
4 of 26 licences in our community. And at the same time  
5 they were trying to relocate us to Sliammon, to join  
6 up with Sliammon because we're a remote community. In  
7 that process, Homalco got to a point in Church House  
8 where our community was -- there was not enough  
9 students there anymore to keep the school going. So  
10 they shut the school down because it was no longer  
11 feasible because the government was forcing us out of  
12 Church House. So no we're here in Campbell River  
13 through a land exchange.

14 And the level of economic marginalization  
15 that has happened and continues to happen, I mean,  
16 we're meeting with Doug Donaldson about forestry to  
17 try to -- and that's what I told Scott Frasier, I  
18 said, not after you've killed our hydro potential and  
19 now we have to take a look at forestry. Forestry is  
20 our main -- other main resource in our territory  
21 because fisheries is pretty much gone. So now it  
22 comes down to forestry.

23 And the hydro potential in the territories  
24 is just a government decision. And so again, it comes  
25 down to economic marginalization and how do we get to  
26 a point where it's government to government. And if

1       there's regulations, then there's negotiations with  
2       the different communities. And what kind of economic  
3       opportunities can we open up for that? Because we  
4       can't continue in poverty. We can't continue the  
5       economic marginalization, it doesn't work for us.  
6       Especially when we're dealing with all the aftermath  
7       of residential schools.

8               The government has apologized for sure, but  
9       that was about it. There's very little funding that  
10      goes around to heal the traumas that have happened  
11      from residential schools. So, we've had several  
12      suicides in our community, young people. And we've  
13      had several people that have overdosed on fentanyl.  
14      We have lots of people that have alcohol and drug  
15      issues. So, when I talk to our logging company, our  
16      crew, I tell them that the work that you're doing, is  
17      you're generating revenue so we can heal our people.

18             And that's the reconciliation work of  
19      Canada and B.C. We've had several discussions at our  
20      treaty table about -- you know, we've had discussion  
21      with Canada because I read in the Nunavut Treaty that  
22      they have a healing trust fund. And they didn't have  
23      anything in our treaty about it.

24             So I started asking them about it. I said,  
25      you know, they basically told me I was on my own.  
26      They've caused all this damage and yet they're telling

1 me I'm on my own.

2 And several of our people were pretty badly  
3 abused in residential school. And it's generational  
4 now. And so, we're working hard to build up our  
5 community. We're working hard to give our people  
6 opportunities, but we have to get through all the  
7 traumas in order for them to start to see what kind of  
8 potential there is there. There's lots of potential  
9 that's not ever going to be realized there. They're  
10 lost in alcohol and drug. Or even if they've already  
11 killed themselves or they've overdosed on fentanyl.

12 So, if there's some opportunities here it  
13 would put our people in a good direction, to start to  
14 give our kids some hope. And I've started to work on  
15 a radio station because I don't think I can count on  
16 the government's and the benefits, the profits from  
17 the radio station will go back to the youth, the  
18 Elders, culture, healing, and the trust fund. All  
19 those things that -- areas that our people are  
20 struggling in, all the impacts of residential schools  
21 all come back to that, all the impacts of colonization  
22 come back to that. So our radio station will work  
23 towards correcting those wrongs and giving our kids  
24 opportunities.

25 And I'd like to start seeing our kids  
26 travelling, travelling around the world, because some

1 of them, they never get to leave the reserve. About  
2 ten years ago there was a kid that was going over to  
3 Powell River on the ferry and they're asking, "Are we  
4 still in Canada?" You know, that's the level of  
5 poverty there. And, you know, when the kids are in  
6 school -- you know, the residential school destroyed  
7 all the parenting skills of our people. So the kids  
8 that are in school, they don't have the full backing  
9 of a healthy parent, the support of a healthy parent,  
10 so their options become limited, the potential starts  
11 to diminish.

12 And so as a Chief in our community my job  
13 is to put back that potential, to give them a dream,  
14 to give them a hope, to give them opportunities. And  
15 if there are some opportunities in this energy sector  
16 I can see great benefit for our people. And if we can  
17 -- you know, we've fought hard when we were working on  
18 the ones in Bute Inlet, and to have it all taken away  
19 from us because of Site C, that was pretty  
20 disheartening. So if there's something coming down  
21 the road I look forward to it.

22 Thank you.

23 THE CHAIRPERSON: Thank you, Mr. Blaney. That's --  
24 thanks for your thoughtful comments and words. I'm  
25 just going to see if any of my panel members have any  
26 questions.

1 CHIEF BLANEY: Sure, yeah.

2 COMMISSIONER FUNG: I do have one question, Chief  
3 Blaney, but first I want to just acknowledge you for  
4 sharing your experience and your thoughts with us and  
5 I found them very moving. So I wish you the best of  
6 luck with your community in terms of, you know,  
7 developing the economic opportunities.

8 But what I would like to know is whether  
9 you know anything further or can share anything  
10 further with us about what Yukon has done that you  
11 thought was helpful in terms of a model possibly for  
12 us to consider?

13 CHIEF BLANEY: When they negotiated their treaty there  
14 was common issues that were common to all the  
15 different First Nations in the Yukon, whether that's  
16 the -- I guess one of them would be their governance.  
17 And they took all the common issues and they all  
18 negotiated that as one bundle. And then the different  
19 First Nations that have specific interests in their  
20 territories, they went back and they negotiated those  
21 as a sperate -- separately, that kinda completed each  
22 group's package as they went along.

23 So that's all different issues, whether  
24 it's -- I don't know, I don't know Yukon very well, so  
25 -- but I like that idea. For B.C., if we had the  
26 opportunity to do that here in B.C. I'm sure fisheries

1 would be one of them. Our territories, the waters,  
2 all the different forestry resources. All the  
3 forestry is in common to all areas of B.C.

4 I remember when they had the Forest and  
5 Range Agreement. Province did a revenue sharing on  
6 Forest and Range Agreement, and they did it with all  
7 of B.C., and then there was some places that really  
8 didn't have trees like the urban ones, Musqueam and  
9 stuff. And then there's other ones up in northern  
10 B.C. that might have mostly grasslands and less timber  
11 being taken out of there.

12 So there's areas I think that if there's a  
13 way to negotiate something to create some common  
14 ground within this process, and then -- but then again  
15 it still has to come back to, like I said, the  
16 government to government. And I think, you know,  
17 we're negotiating a treaty now and it feels like we're  
18 -- we keep going back in circles. We keep going back  
19 in circles. The government's got a mandate and their  
20 mandate is pretty hard lined, and then after a while  
21 they change their mandate. So we've spent many, many  
22 amounts of hours and dollars trying to get to a point  
23 where we can agree on some words, and then we go back  
24 and circle back because they've changed their  
25 mandates.

26 So if there's something that can be done

1       that's more -- that has more purpose, that's maybe  
2       more -- I think for a government to work with  
3       reconciliation the government needs courage.

4               When I went to the -- I sit with the Coast  
5       Salish down from Canada to Washington State and when  
6       those First Nations in Washington State side won the  
7       *Boldt* decision, the state government down there, they  
8       had to implement this decision that gave the First  
9       Nations down there 50 percent of the fisheries. And  
10      the government of the day understood that it was going  
11      to cost jobs and businesses and they implemented it  
12      because that was what the court said. And in the  
13      process the tribes down there have become the experts  
14      in fisheries. They've hired all these technical  
15      people, university students, PhDs and they are now  
16      considered the experts. The state and federal  
17      governments defer to the expertise of the tribes in  
18      the U.S. That kind of courage is needed.

19             I know when we come to the province you get  
20      stuck in opinion polls and you don't really get to  
21      implement anything other than I a wishy-washy  
22      regulation and application of the laws. So if there's  
23      a potential to do that it's -- I mean even when we're  
24      looking at the fish farms around here, I was hoping  
25      for some courage and the government did this wishy-  
26      washy thing where it's going to be phased out over

1 time. We need some courage to look after our land and  
2 our environment. And also to give us an opportunity.

3 I don't know if you have any more questions  
4 or not.

5 COMMISSIONER FUNG: No, I don't. Thank you very much.

6 THE CHAIRPERSON: Thank you, Chief Blaney.

7 CHIEF BLANEY: Okay.

8 MR. GEORGE: Thank you very much, Chief. Thank you.

9 Is there anybody else that would like to  
10 address the panel?

11 Please make your way up to the centre  
12 table, first and last name, please, and spell your  
13 last name for there record. Thank you.

14 **PRESENTATION BY MS. DONKERS:**

15 MS. DONKERS: Hi, my name is Tabitha Donkers,  
16 D-O-N-K-E-R-S. I'm a staff member with Wei Wai Kum  
17 First Nation. And, yeah, I just heard about this  
18 panel on Friday and tried to have some quick  
19 conversations yesterday, so I hope that my responses  
20 are reflective of the nation, yeah.

21 THE CHAIRPERSON: Thank you for acting quickly on that  
22 information and joining us today, we appreciate it.

23 MS. DONKERS: So I just kind of went through the  
24 suggested questions and looked for some things that  
25 maybe I could address. The first one I noticed is  
26 about the percentages of partnerships to do with

1 ownership of a utility. And I guess just something,  
2 yeah, that I would mention is if there isn't a kind of  
3 a more strict regulation around that, that could  
4 really -- it could almost exclude some nation -- like  
5 I guess on both hands that would be something to  
6 balance.

7 Like if there was a really high percentage  
8 of ownership required that could exclude some Nations  
9 that just didn't have huge cash flow or something.  
10 But on the other hand if there was a small -- a lower  
11 percentage requirement, that can really diminish the  
12 voice of the Nation in terms of that specific business  
13 oversight, and so that's just something to -- that  
14 we've experienced, to keep in mind.

15 In terms of the services provided, one  
16 thing I wanted to address is the customers in terms of  
17 -- you have just a question that says, are the  
18 customers Band members only, or on reserve, or  
19 commercial and residential, and I think one of the  
20 biggest drivers for -- in our experience would be to  
21 create economic development and if that was the Band  
22 members only, that's something that would be a  
23 negative, in a sense, we would not want to be  
24 necessarily charging like our member residential  
25 housing or something. And so being able to charge  
26 commercial or people leasing our land, that would be a

1 big driver. And specifically in terms of the  
2 location, within something that would be important for  
3 us would be a fee simple lands, to be able to charge  
4 people who lease from us in fee simple lands that some  
5 of them we have in the HR process. But that may or  
6 may not be successful.

7 We even have -- I know for us specifically  
8 we have a community building that's on a piece of land  
9 that we -- I don't know, a complicated agreement with  
10 the Crown land, and so it's not even our land, but we  
11 wouldn't -- like we would want to be able to provide  
12 our energy to that specific building, because it's a  
13 community building that we run ourselves. And so  
14 that's sort of a situation -- yeah, I think fee simple  
15 lands would make that really important. And then --  
16 yeah, treaty or whatever. We are not a treaty nation.  
17 I can't speak to that.

18 And so yes, I guess residential,  
19 commercial, and industrial, being able to sell to all  
20 of those would be really important and necessary I  
21 think.

22 Something I also wanted to just bring up,  
23 the theme that you had mentioned about capacity, and  
24 that I think just an experience that we've had  
25 recently, I don't deal with taxes very much, but just  
26 kind of in the sense that I am a lands administrator,

1           so with leaseholds and things like that, that's how I  
2           come into it. And so with the tax Commission, I  
3           actually find that beneficial in a way, that we have  
4           these regulations to make our tax law within. And if  
5           the world was just completely open, it would just be  
6           way too overwhelming.

7                        The support that I get in my department  
8           from the First Nations Land Management Advisory Board,  
9           and to help you just create all of these things is  
10          super beneficial I find, just to have some sort of  
11          oversight and regulation. And to help you create  
12          these things is so beneficial because we don't have  
13          the capacity to not only set the rates, but I think  
14          they talked about dealing with complaints and customer  
15          issues and all those types of things. The capacity to  
16          have even one staff member would be luxurious to  
17          manage something like this, to deal with all those  
18          administrative things on top of that would be great to  
19          have someone share that between all the nations in  
20          B.C. would be great.

21                       Of course, you deal with challenges as they  
22          go along, but to have someone supporting that would be  
23          really beneficial.

24                       I think those were the only things I could  
25          address in the moment. Do you have any questions?

26   COMMISSIONER LOCKHART:        Yes, Ms. Donkers, thank you

1           very much for making time with us today. You  
2           mentioned land in the ACR process?

3 MS. DONKERS:           Oh, ATR, Addition to Reserve.

4 COMMISSIONER LOCKHART:       I see, okay.

5 MS. DONKERS:           Yeah, fee simple lands we want to have  
6           reserve one day, but currently are not.

7 COMMISSIONER LOCKHART:       I see, okay. Thank you very  
8           much.

9 THE CHAIRPERSON:        I just have a brief question. Do you  
10          have any utilities that are operated at all? Or is  
11          there utility potential?

12 MS. DONKERS:           Oh, yes. No, currently we do not. I  
13          think one thing I wanted to mention, so I went just on  
14          Friday where I heard about this, I was at a CleanBC in  
15          the same room. And we talked about all these  
16          opportunities. Currently we are doing lots of  
17          feasibility studies and looking at what we can do  
18          within the current restraints. But a lot of the  
19          funding opportunities for clean energy, it's great  
20          that there is funding so you don't have to pay for the  
21          whole thing, but really, what is the incentive if we  
22          can't have economic development from that? And I  
23          think that seems a little bit silly. Okay, well here,  
24          then we can help our members reduce their heating bill  
25          by \$200 a year or something, but other than that, it  
26          doesn't seem like a huge motivator.

1 THE CHAIRPERSON: Right.

2 MS. DONKERS: Yeah, so for us, we are looking at  
3 feasibility studies. We are right here, so we've got,  
4 maybe, as the studies will determine, maybe tidal,  
5 maybe wind up the hill. Solar. I learned recently  
6 about biomass, so maybe we will look into that. And  
7 with one thing that we've talked about is, can we put  
8 solar panels up and sell to the people who lease our  
9 lands, the businesses? And yeah, so we're just not  
10 totally sure how that works. And I'm guessing that  
11 eventually we'll find out once this report is out.  
12 But yeah, those kind of things.

13 We have lots of potential opportunities.

14 THE CHAIRPERSON: Yeah, well certainly, given the  
15 geography of the area --

16 MS. DONKERS: Yeah, we are right in the downtown area  
17 of Campbell River.

18 THE CHAIRPERSON: Thank you, Ms. Donkers, we appreciate  
19 it.

20 MR. GEORGE: We are going to have brief break. After  
21 the break, you can come to the podium. So we'll have  
22 a break, 10 minutes we'll reconvene at 11:25.

23 (PROCEEDINGS ADJOURNED AT 11:13 A.M.)

24 (PROCEEDINGS RESUMED AT 11:26 A.M.)]

25 MR. GEORGE: If we could call ourselves back to order,  
26 please.

1                   If you'd like to make your way to the  
2                   centre table. Please introduce who you are, first and  
3                   last name and spell your last name for the record,  
4                   please. Thank you.

5 CHIEF WEBBER:    My name is Wally Webber, W-E-B-B-E-R, my  
6                   Chieftainship name is [*Native word spoken*] S-U-N- --

7 MR. ROBINSON:    Vince Robinson. R-O-B-I-N-S-O-N. I work  
8                   for the Nuxalk Nation.

9 **PRESENTATION BY CHIEF WEBBER:**

10 CHIEF WEBBER:    I'm the chief councillor of the Nuxalk  
11                   Nation, Bella Coola, and I'm also a hereditary chief.  
12                   My chieftainship name is [*Native word spoken*] and I'm  
13                   here to ask a few questions on the two tier system and  
14                   also the -- and we're also doing a study on run of the  
15                   river and we're getting close to installing this run  
16                   of the river. And the hydro is on and off reserve.  
17                   We have a hydro station that supplies both. It's a  
18                   diesel, and they burn 2.4 million litres of fuel a  
19                   year. So that runs around \$7 million.

20                   So my questions is, we put in run of the  
21                   river to help out the system and it's going to cost  
22                   them \$7 million a year and you look it, you know,  
23                   multiply it 7 x 5, \$35 million in three years. So  
24                   we're worried that the Hydro have open arms for us to  
25                   do a run of the river. They're waiting for us to put  
26                   it in. But would the -- I don't know if the Hydro

1           would throw in \$7 million because we're now helping  
2           them out, getting off diesel. Because the whole on  
3           and off reserve is run by diesel.

4   THE CHAIRPERSON:     Right.

5   CHIEF WEBBER:     So that's one of my questions.     And then  
6           -- and I believe that all nations should set the  
7           rates, and just to get away from the two tier system  
8           because the two tier system causes a lot of social  
9           problems when you live in remote communities. And  
10          right now we have people that are being cut off  
11          because of huge hydro bills that they can't keep up.  
12          And you know, Hydro says, "Okay, you can keep you  
13          hydro bill and make payments." If you're on social  
14          assistance, you'll never catch up. Never. And it's  
15          ridiculous how it goes. So I feel that the two tier  
16          system should be cut and go back to a regular rate  
17          where people can afford it. Because now you've got  
18          not electricity.

19                       And we had a situation in the winter  
20          months. The Hydro guys came in and said they were  
21          going to cut off eleven houses. And they came to the  
22          office and asked us where the houses were. And I  
23          said, "No, no, no, no." I said, "You go back to your  
24          bosses and tell them you're not cutting off any  
25          hydro." I said, "You may as well walk off the reserve  
26          right now because we're not allowing that to happen.

1           They have their winter food in their deepfreezes. And  
2           tell them to fix the problem." This paying back the  
3           money, it's an impossible task.

4                        So we are -- we need a better system than  
5           that. You know, there's people are hard up. If you  
6           think about it, they're on social assistance, the  
7           money doesn't match the bill. You get something like  
8           two or three hundred dollars for a light bill and the  
9           light bills are eight to twelve hundred dollars. At  
10          one point \$3,000. So how is somebody going to pay  
11          that back every month? Every two months the light  
12          bills can add up to \$5,000. In a year maybe \$50,000  
13          if you think about it. How is \$350 going to pay it  
14          back.

15                       And I believe you guys set the rates. So  
16          think about it.

17                       And you know, when I'm speaking on this, I  
18          speak for all the Nations. Every Nation is the same.  
19          They are having the same problems we are. It's not  
20          just one Nation. So you need to -- really need to sit  
21          down and think about it. You know, it's probably  
22          happening off reserve too, I really don't know. So.

23                       And when we're putting in the run of the  
24          river, our Nation thinks about our growth, so we've  
25          seen some Nations that have listened to -- I don't  
26          know what they're called any more -- ISK, INAC, Indian

1       Affairs. They tell me, they say, "Oh, you only need  
2       this size." Well, what happens in twenty years when  
3       the houses double. We're at a point where we're going  
4       to be building 60 houses and our hydro in Bella Coola  
5       right now, our diesel hydro can't even keep up with  
6       us. So that's the reason they're waiting for us to  
7       build the run of the river. And we're off grid, so  
8       it's -- so it's pretty harsh.

9                So we've thought of all -- we're doing our  
10       job. We're building -- like we're putting in solar  
11       panels, heat pumps, which is run by electricity but  
12       we're trying to do -- and we -- you go to social  
13       housing. Those houses last ten, fifteen years and  
14       they are built for mold. So we stopped it and we used  
15       the CMHC money and built houses. We broke every rule  
16       in the book, but we built beautiful houses that are  
17       state of the art. Our standards are 50 times better  
18       than the Canadian standard, so that our houses now,  
19       before you need to renovate it are 100 years. The  
20       roof is 50 years. And we don't buy cheap utilities,  
21       like stoves and hot water tanks. We buy the most  
22       expensive stuff so that they last long, because you  
23       may as well do it now than later, because you're going  
24       to keep replacing those stoves and hot water tanks.

25               And one of our biggest problems with  
26       electricity right now is when the power goes out in

1 Bella Coola, it burns out the hot water tanks and the  
2 stoves, so you have to go buy more. It's the brown  
3 outs that are a huge problem there, and we have a lot  
4 of outages in the winter months.

5 So that's one of the main reasons that  
6 we're trying to build a better livelihood for our  
7 people, and we're working hard. We trained our own  
8 carpenters. This month we have 14 carpenters  
9 graduating and be red sealed, and we have another  
10 seven more behind them, or twelve more behind them.  
11 But there's electricians and plumbers that we're  
12 training too and cabinet makers. So that we're -- and  
13 we keep all the work inside Bella Coola and so we're  
14 self-sufficient.

15 And we're really worried about the rates of  
16 Hydro that is so high for our people. So that needs  
17 to be cut to a real level where people can afford to  
18 live. You know, the people are choosing between food  
19 and electricity, and warmth. So yeah, there's a lot  
20 to take into it. You guys go home to a nice warm  
21 house and you got good jobs, whereas we are struggling  
22 to create jobs. So that's one of the things that  
23 we're really worried about.

24 So when it comes to that -- I'm speaking  
25 for all Nations when it comes to that part, because I  
26 know that -- you know, and even people off reserve,

1 all people that are on social assistance, how do they  
2 keep their light bills going? Or their Hydro bills  
3 going? You know, it's become ridiculous.

4 So I'm a really short speaker, so this is  
5 it.

6 THE CHAIRPERSON: Okay. Mr. Webber, you mentioned a lot  
7 of brownouts. Do you know what's causing the  
8 brownouts? Is that because of a capacity problem?

9 CHIEF WEBBER: Not a capacity, it's the generators, and  
10 the generators are getting old. We do have sort of a  
11 run of the river in Bella Coola, it's in Clayton  
12 Creek. It's called Clayton Falls run of the river.

13 THE CHAIRPERSON: Is that operated by BC Hydro or by  
14 yourselves?

15 CHIEF WEBBER: Yes. By BC Hydro, and all of the  
16 machinery on it is getting really old and they have to  
17 be replaced. So that's why the -- we had a meeting  
18 with BC Hydro and their arms are wide open for us to  
19 come through to build a run of the river.

20 THE CHAIRPERSON: Right, and you mentioned --

21 CHIEF WEBBER: To help the brownouts.

22 THE CHAIRPERSON: Sorry, yeah, and you mentioned that  
23 would -- sorry, let me back up. I just would like to  
24 ask if that project goes forward then, you would sell  
25 that energy to BC Hydro and BC Hydro would then sell  
26 it back to you in the town? Is that the model you

1           would be looking at? Or have you got that far yet on  
2           it?

3 CHIEF WEBBER:       Yeah, we're finished our studies. We're  
4           just ready to start going after funders and stuff like  
5           that. And once we get it going, we have a lot of  
6           funders in line. But we want to set our own rates, we  
7           want to help our people. Like, we want to negotiate  
8           with Hydro to say, they've built an upper limits high  
9           that we want to sell it at a lower rate to our people.

10 THE CHAIRPERSON:    So you'd basically like to buy Hydro's  
11           distribution system off them and run your own utility,  
12           is that kind of where you're looking at going with  
13           that?

14 CHIEF WEBBER:       Yeah, yeah. Yeah, that'd be great.

15 THE CHAIRPERSON:    Yeah.

16 CHIEF WEBBER:       And it's kind of hard because we're not  
17           on a grid, so we can't sell to the general public in  
18           B.C..

19 THE CHAIRPERSON:    Right. And I guess pending the  
20           development of that project, it sounds like Hydro may  
21           be unwilling to invest in the diesel generator and  
22           their run of river if it's going to be replaced by a  
23           newer project. Is that kind of the position that  
24           you're in right now with them?

25 CHIEF WEBBER:       No. Hydro told us that they're just  
26           maintaining right now, because they want our run of

1 the river to come through but they want to come up  
2 with the money there. And they want to tell us how to  
3 do it, when to do it and we don't think that way. We  
4 just said, no, we're going to negotiate government to  
5 government.

6 THE CHAIRPERSON: So is that holding you up right now  
7 then? Negotiations with Hydro or an agreement with  
8 Hydro?

9 CHIEF WEBBER: No, we're just at the beginning stages of  
10 it. We haven't even done the negotiations part. But  
11 once we do it's, you know, we're going to go in there  
12 hardcore.

13 THE CHAIRPERSON: Right, okay. Thank you.

14 COMMISSIONER LOCKHART: Just to clarify, then. So,  
15 Clayton River, the run of river, Clayton River, is  
16 that separate from the project that you're now working  
17 on? Will there effectively be two run of river  
18 projects?

19 CHIEF WEBBER: Yeah. Clayton Creek's sort of a run of a  
20 river. It's the same concept but it's more a hydro  
21 thing, it's off a dam way up in the valley and that.  
22 So it's -- but if we put in a run of the river, we  
23 will want to put in two so that it cuts all brownouts  
24 out, so that there's hydro all year round, except --  
25 we're also looking at biomass, so that when they  
26 rivers go low we can use the biomass to offset it so

1           that, you know. And we're thinking way ahead. Like,  
2           we're not thinking of tomorrow, we're thinking 40  
3           years down the road and we're not going to listen to  
4           them if they tell us to put a smaller generator in.  
5           We're going to put in what we think is going to be  
6           needed for 40 years down the road.

7 THE CHAIRPERSON:     Is that forestry waste? The biomass?

8 CHIEF WEBBER:        Yes.

9 THE CHAIRPERSON:     Forestry, like mill waste, is that  
10           what it --

11 CHIEF WEBBER:        Yeah.

12 THE CHAIRPERSON:     Yeah, thank you. Okay.

13 MR. ROBINSON:        Can I say something?

14 THE CHAIRPERSON:     Please, yes.

15 **PRESENTATION BY MR. ROBINSON:**

16 MR. ROBINSON:        Just to share what -- just my thoughts,  
17           right? On our reserve, just like similar I'd imagine  
18           in 90 percent, is that the unemployment is very high.  
19           Our capacity is somewhat limited. And the quality of  
20           life is not good, right? That's what we want to try  
21           to affect with this community driven run of river that  
22           we are pursuing right now.

23                        I wanted to know -- I just wanted to know  
24           some things from, kind of, from you guys a little bit.  
25           I was looking at that first page when the first fellow  
26           was speaking earlier. And it said that there was

1 negative outcomes and positive outcomes in working  
2 with First Nations', let's just use the word utility.  
3 I don't know, I'm wondering if you guys have any  
4 experiences with that?

5 THE CHAIRPERSON: Well, first of all, we work with a  
6 number of utilities around the province. And all  
7 utilities, generally speaking, are regulated under our  
8 Act, regardless of who owns them or what percentage  
9 ownership there is of them. The only significant  
10 exemption that there is in that respect is if a  
11 utility is owned or operated by either a municipality  
12 or a regional district, And those are defined terms.

13 And, you know, basically like a town like  
14 the town of Campbell River or a regional district. In  
15 which case, they're not regulated. But unless the  
16 utility is directly owned by a municipality or  
17 regional district, we would regulate it. And we apply  
18 the same principals and the same rules to all  
19 utilities regardless of the ownership structure of the  
20 utility.

21 Now, I think their reference then to  
22 positive – and I don't recall specifically on the  
23 slide – but I would guess the reference to positive  
24 and negative outcomes would be the positive and  
25 negative outcomes of regulation generally.

26 And as Phil mentioned in his slide, you

1 know, I think the reason, historically the reason for  
2 regulation is that utilities have tended to be  
3 monopolies. You know, people only want one set of  
4 wires running down the street. You know, they're  
5 large scale projects and you generally don't have  
6 competition, you don't have a choice of two electric  
7 companies that you can buy your electricity from.

8 So there's no competitive forces at work to  
9 ensure that service is good and prices are as low as  
10 they can reasonably be. And so the role of the  
11 regulator is to ensure that that's the case.

12 And the negative outcomes would be if the  
13 regulator doesn't get it right or if it's not truly a  
14 monopoly. If there are competitive elements -- if  
15 somebody could provide service competitively and  
16 you've got a regulator in there, you know, the  
17 negative outcome could be that inadvertently they're  
18 supporting the monopoly. So those are the things that  
19 we try to be aware of when we regulate.

20 But, you know, I don't have any specific  
21 examples of Indigenous utilities that we've had  
22 negative outcomes with.

23 MR. ROBINSON: Or positive outcomes.

24 THE CHAIRPERSON: Yes, or positive, yeah.

25 MR. ROBINSON: So are other reserves in other provinces  
26 regulated in this manner? Or are you guys the first

1 to pursue this?

2 THE CHAIRPERSON: That's a very good question. And  
3 that's one of the questions that we're hoping to  
4 answer in this inquiry. And I'm sorry I don't have  
5 the answer, but we have hired a consultant to go and  
6 do a survey of regulation, energy regulation, across  
7 Canada and report back to us. And that evidence will  
8 be put on the record of -- Phil, do you know what date  
9 we're expecting that?

10 July 15<sup>th</sup>, yeah. So his report will be on  
11 the record on July 15<sup>th</sup> and then we'll have that  
12 comparator, because that will be helpful for all of  
13 us.

14 CHIEF WEBBER: So you don't that it's healthy that  
15 there's two hydros that can run? Because right now  
16 you guys have a monopoly on it and I think --

17 THE CHAIRPERSON: I personally think it's very healthy,  
18 but in that case then you would have less need of a  
19 regulator if there is a competitive situation.

20 CHIEF WEBBER: Because right now, we believe that the  
21 two tier systems, the second tier is just a tax thing  
22 for Hydro. That's all it is.

23 THE CHAIRPERSON: Well, to provide a bit of an update on  
24 the two tier system. We know there's been a lot a  
25 criticism of it, you know, for exactly the reasons  
26 that you're saying. Especially for communities that

1       rely on electricity and for communities that are, you  
2       know, that experience, say, a more significant winter  
3       than we do in Vancouver, that are relying on  
4       electricity. Many if not all of their -- all of the  
5       ratepayers or all takers of electricity are in the  
6       second tier. And that's an economic burden for them.

7               And we've heard a lot about that and we did  
8       a report on it a number of years ago to government.  
9       And one of the more recent developments is that Fortis  
10      Electric, which is a smaller electric utility that  
11      operates in the Okanagan and the Kootenays, they came  
12      to use with an application to flatten the rates so  
13      that it would go back to the one tier rate. And that  
14      application was approved and they have gone back to  
15      the one tier rate.

16             I understand that Hydro is reviewing that  
17      situation, I can't speak for them. I don't know if  
18      they will be making a similar application. Pardon me?

19   MR. ROBINSON:     Is that for Zone 1, or --

20   THE CHAIRPERSON:   No, that's an integrated area. That's  
21      a non-grid area. It's one of the very small -- very  
22      few areas of the province that BC Hydro isn't the  
23      service provider. It's the area around Kelowna and  
24      Penticton and then into the west Kootenays. They've  
25      got about roughly five percent of the electric, on  
26      grid electric service, is provided by them and 95

1           percent is provided by BC Hydro.

2 CHIEF WEBBER:           So with the people that are -- Nations  
3           and that and other people that are putting in solar  
4           panels, wind power, whatever, is net zero taken away?  
5           That's a question I'd like answered.

6 THE CHAIRPERSON:        We currently have a net metering  
7           application from BC Hydro that they've made of us  
8           right now, and so -- I'm sorry to say it, but it would  
9           be improper for me to speculate. I'm not on the panel  
10          that's reviewing that. We are reviewing BC Hydro's  
11          net metering rate for people with solar and other  
12          forms of self-generated energy, but there is a  
13          proceeding ongoing and I would encourage you to go to  
14          our website. Phil or one of our staff members would  
15          be happy to help you with this -- and you can see  
16          what's been filed by Hydro, and who's intervening in  
17          it, and you can -- and you're more than welcome to  
18          join the proceeding and you can have a say in that  
19          proceeding.

20 CHIEF WEBBER:           Because we've built so many homes for  
21          our homeless and we've put solar panels on the small  
22          homes and the net zero is working.

23 THE CHAIRPERSON:        Yes.

24 CHIEF WEBBER:           So I don't know if it's taken away from  
25          us or they still have the same bills or -- but --

26 MR. ROBINSON:           It's just depending on what they sent to

1 the grid is what they'll get credited for, so it's  
2 probably above right now. Because we turned it on in  
3 April, so it's been good weather generally in the last  
4 three months, so I think we're kind a -- it looks good  
5 right now.

6 CHIEF WEBBER: Yeah.

7 THE CHAIRPERSON: Paul, are you more familiar with the  
8 -- that metering application or do you have any  
9 comments?

10 MR. MILLER: So my understanding of the current net  
11 metering application from BC Hydro is they're trying  
12 to eliminate those generators that always produce an  
13 excess of electricity. And so some people have  
14 installed very large generation facilities and it's  
15 those individuals that they're trying to limit access  
16 to. So they're trying to say you should be able to  
17 offset your consumption, they have no problem with  
18 that, but they don't want to become a revenue  
19 generation source for individuals.

20 THE CHAIRPERSON: And that's their application.

21 MR. MILLER: Yes.

22 THE CHAIRPERSON: And so we are reviewing that and, as  
23 I say -- I'm not sure where we are in the proceeding,  
24 but we do have interveners and we're listening to  
25 everyone's views on that. Yeah.

26 So, again, please if you're interested Phil

1           can follow up with you about it.

2 CHIEF WEBBER:           Okay, thank you for your time.

3 THE CHAIRPERSON:       Thank you very much.  Much  
4           appreciated, thank you.

5 MR. GEORGE:            Thank you very much, Chief.

6 THE CHAIRPERSON:       Chief Webber and Mr. Robinson, thank  
7           you.

8 MR. GEORGE:            Thank you, Vince.

9                           Okay, I've canvassed the rest of the room  
10          here and I do have Chief Blaney who would like to come  
11          back up to the podium and the table and make a couple  
12          of more comments.

13 THE CHAIRPERSON:       Sure.

14 MR. GEORGE:            Chief Blaney, once again your first and  
15          last name, spell your last name for the record,  
16          please.

17 CHIEF BLANEY:           Sure, okay.  It's Darren Blaney,  
18          D-A-R-R-E-N, Blaney, B-L-A-N-E-Y.  Chief of Homalco  
19          First Nations.

20                          I didn't elaborate enough on the -- when I  
21          mentioned Garry Feschuk was looking at some  
22          opportunities from the group that was meeting.  And at  
23          one point he talked about a senator from California  
24          that was looking at some hydro opportunities or  
25          looking at purchasing power from First Nations and  
26          they took him on a tour of their territory.

1                   And with that in mind it seems, you know,  
2                   we have to -- kinda comes to the carrying capacity of  
3                   the transmission lines. And I know that B.C. sells  
4                   hydro to the U.S. and makes some profits on that. So  
5                   I think the opportunity for First Nations of develop  
6                   an economy in that process -- you know, California is  
7                   always running short on electricity. And I guess the  
8                   difficulty of that is that the Site C is really not  
9                   going to be needed for another 30 years and the energy  
10                  required that Site C will provide is not going to be  
11                  there for a other 30 years, but the need is south of  
12                  us. And if First Nations based on title alone can get  
13                  capacity within the carrying capacity of transmission  
14                  lines, I think that will be helpful to us.

15                  In my community, in Homalco, we work with  
16                  the city and at the time TimberWest, and now they are  
17                  now Mosaic, three of us partnered up on the water and  
18                  sewer infrastructure that was going to the expansion  
19                  of the airport. And in that process Homalco has  
20                  capacity within the water supply and the sewer supply,  
21                  and that will be for our economic development. And I  
22                  think if you want to get serious about reconciliation  
23                  I think there's an opportunity there to look at the  
24                  ability of First Nations to transmit electricity on  
25                  the power lines going to the States.

26                  So, you know, when people are talking about

1       some of these hydro issues, in my community -- and I'm  
2       sure we're not unusual in that way, there's so many  
3       substandard homes that were built and because they  
4       were built so poorly they're not energy efficient and  
5       the hydro needs go way up and out of control pretty  
6       quickly. And seems like every week we're dealing with  
7       somebody that's threatening to be cut off and we're  
8       trying to figure out different ways to address that.  
9       And we're looking at fixing up those homes for sure,  
10      but we have to take a look at other options.

11                Maybe it's solar panels for some of these  
12      homes to address some of those needs. And some of  
13      them are elders, elders like to heat the hell out of  
14      their homes and get them so hot and they're -- so  
15      we're trying to address those things. And if we can  
16      get them into a smaller home they can heat up a  
17      smaller space, but they're bigger homes. So there's  
18      lots of issues around hydro that -- getting threatened  
19      to be cut off and for us we're looking at ways to  
20      address that.

21                But as a community overall I think our  
22      overall focus is on the economic development that  
23      cycles back into reconciliation and healing the  
24      traumas of the past. Thanks.

25      THE CHAIRPERSON:        Thank you, sir.

26      CHIEF BLANEY:            Any questions?

1 THE CHAIRPERSON: No.

2 CHIEF BLANEY: All right.

3 THE CHAIRPERSON: Thank you, Chief Blaney. Thank you.

4 MR. GEORGE: Thank you very much, Chief.

5 Anybody else like to address the panel?

6 Okay. I want to just bring us back to  
7 Phil's opening slides and remind people of the next  
8 steps with the panel. Anyone who wishes to provide  
9 written evidence can send it to the BCUC by July 15<sup>th</sup>,  
10 2019. An interim report on the BCUC's progress and  
11 preliminary findings is due by December 31<sup>st</sup>, 2019,  
12 which will take into account presentations made at  
13 community sessions and written submissions. A draft  
14 of this report will be made available for comments to  
15 Indigenous communities and other interested parties by  
16 November 1<sup>st</sup>, 2019. The final report to the government  
17 of B.C. with the BCUC's final recommendations is due  
18 January 31<sup>st</sup>, 2020. More information on the inquiry  
19 and how to stay involved can be found at [bcuc.com](http://bcuc.com).

20 We want to thank you for taking time out of  
21 your busy schedules to be here today. We want to  
22 acknowledge the presenters and the thoughtful comments  
23 that you provided to the panel. We're going to move  
24 to adjourn today's proceedings. And we will be on the  
25 road and go to Victoria, again for our final session  
26 tomorrow.

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We will have lunch delivered here momentarily. We encourage you to stay and have some of the food that we are providing. So once again thank you very much for your time here today.

THE CHAIRPERSON: I would also like to echo Dan's thanks for everyone's thoughtful remarks. We really appreciate your participation and, you know, without it we wouldn't be able to do what we've been asked to do. So thank you very much all for coming, and hope you enjoy your lunch, and wish you a good day and safe travels home again. Thank you.

**(PROCEEDINGS ADJOURNED AT 11:56 A.M.)**

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



A.B. Lanigan, Court Reporter

July 4<sup>th</sup>, 2019