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David Morton, Chair and Chief Executive Officer
British Columbia Utilities Commission
Sixth Floor, 900 Howe Street, Box 250
Vancouver, BC, V6Z 2N3

By email: commission.secretary@bcuc.com

Dear Mr. Morton:

Re: Site C Inquiry

I represent the B.C. Sustainable Energy Association (BCSEA) regarding the Commission's Site C Inquiry announced yesterday.¹ I am writing to ask the Commission to allow applications for intervenor status by parties such as BCSEA to participate in the inquiry proceeding and to make applications for a cost award in accordance with the Commission's Rule of Practice and Procedure.²

BCSEA meets the criteria for standing to participate as an intervenor in this proceeding. BCSEA's interests, and the interests of its members who are existing or potential BC Hydro customers, will be directly affected by the Commission's findings on the financial comparison of continuation, suspension or termination of the Site C project. Further, BCSEA has arranged for Dr. Mark Jaccard to be an expert witness in the inquiry proceeding, based on the availability of cost awards under the Participant Assistance Cost Award (PACA) Guidelines. In BCSEA's view, Dr. Jaccard has the ideal credentials and experience to provide the Commission with unbiased analysis of the complex financial and technical evidence germane to the Commission's findings on the questions in the terms of reference.

Participation by intervenors in Commission proceedings is an essential component of the widely-respected public review process that the Commission has developed over the years. And, it can be safely said that the credibility of the Commission's public review process is why the new Government has now asked the Commission to conduct the public review of the Site C project that so many voices had been calling for since before the project was approved in 2014.

Participation by qualified, approved intervenors is the hallmark of the Commission's public review process. This is confirmed in the Commission's recently approved Rules of Practice and Procedure. The Rules do apply to the Site C Inquiry, as they apply to all Commission proceedings.³ I hasten to note that the Rules allow the Commission to "waive or modify one or

¹ Commission News Release: http://www.bcuc.com/Documents/NewsRelease/2017/08-03-2017_News-Release_BCUC-Site-C-Inquiry.pdf. Commission's Site C Inquiry webpage: <http://www.bcuc.com/Sitecinquiry.html>.

² BCUC Project No. 3698545.

³ Rule 3(o): "'proceeding' means a process to decide a matter either initiated by or brought before the Commission, including a matter commenced by application, transfer and direction, or inquiry and may result in adjudication or a report" [underline added] The Site C Inquiry is an

more of its rules in exceptional circumstances,” and the inquiry’s September 20 and November 1, 2017, deadlines for preliminary and final reports, respectively, are certainly exceptional circumstances. BCSEA fully expect that it will be necessary for the Commission to waive or modify some of the standard features of a Commission proceeding in order to meet the inquiry’s ambitious time schedule. However, I submit that such modifications should be judiciously limited to changes necessary to respond to the exceptional circumstances in a way that minimizes the negative impact on fairness and effectiveness.

In particular, I submit that eliminating the rules allowing and governing interventions and cost award applications in the present inquiry proceeding would not be appropriate. Eliminating these fundamental components of the Commission’s public review process would not be necessary to meet the timelines and would severely prejudice the credibility of the results of the inquiry. To put it plainly, excluding interveners from the inquiry process would be to take the “public” out of the “public review process.”

On that point, I appreciate your commitment in the news release to an “open and transparent inquiry of the Site C project” and that you “encourage British Columbians to participate.” However, BCSEA respectfully submit that there should be no misconception that merely holding “open houses” and receiving online comments from “interested parties”⁴ will make the inquiry “open and transparent” and provide a meaningful opportunity for BCSEA and other qualified interveners to participate in the inquiry.

As the Commission is fully aware, and as will become known to members of the public who read BC Hydro’s evidence and confront the exclusion of all but the most technically defined financial issues from the scope of the inquiry, the vast majority of the comments that British Columbians fervently wish to express about the Site C project will fall unquestioningly outside the Commission’s inquiry mandate and will not be relied upon by the Commission in making its findings as to the strictly financial consequences of the continue, suspend and terminate options. Open houses and online comments are not, and will not be seen as, genuine public participation in an open and transparent inquiry focused exclusively on highly technical matters. And, I respectfully submit, they will certainly not be seen as an adequate substitute for informed, intensive participation by approved interveners.

BCSEA is asking to be allowed to respond meaningfully to your encouragement to British Columbians to participate in the inquiry. By participating as an intervener with the opportunity to apply for a cost award BCSEA can bring a unique perspective and invaluable professional expertise to the inquiry. Other responsible, constructive interveners will also make their own important contributions. As stated above, participation by interveners is a crucial component of the Commission’s widely-respected public review process. The inquiry’s tight timeframe is a challenge that can be overcome. The Commission’s review of the economics of the future

inquiry under section 5 of the UCA. In this respect, it is like the “Section 5 Transmission Inquiry” initiated in December 2008, BCUC Project No. 3698545, which was undertaken as a proceeding.

⁴ The Rule 3(k) defines “interested party” as “a person who has registered online to receive immediate automated electronic notification of all documents filed as part of a proceeding’s public evidentiary record but who does not have the participation rights of an intervener in the proceeding.” Rule 7.03 specifies that “An interested party may file a letter of comment in the proceeding, in accordance with these rules, but cannot otherwise participate in the hearing.”

options for Site C is one of the most consequential proceedings the Commission has undertaken. I urge you to allow qualified, approved interveners to participate.

All the above is respectfully submitted.

Yours truly,

William J. Andrews

A handwritten signature in black ink, appearing to read 'WJ Andrews', with a horizontal line extending from the end of the signature.

Barrister & Solicitor

cc. Association of Major Power Customers
BC Old Age Pensioners Organization, et al.
Clean Energy BC
Commercial Energy Consumers
COPE Local 378