



SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3
CANADA

BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
NUMBER G-39-93

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

IN THE MATTER OF the Utilities Commission
Act, S.B.C. 1980, c. 60, as amended

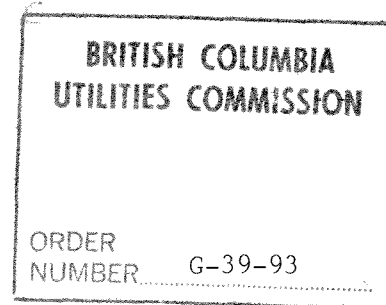
and

IN THE MATTER OF a Report by an Inquiry Officer
on the BC Gas Inc. Furnace Repair Plan

BEFORE: L.R. Barr, Deputy Chairperson;)
K.L. Hall, Commissioner; and) June 4, 1993
K.D. Wellman, Commissioner)

WHEREAS:

- A. The Commission, by Order No. G-47-91, gave approval to the BC Gas Inc. ("BC Gas") Furnace Repair Plan ("the Plan") and issued "Reasons for Decision" attached to that Order; and
- B. On March 31, 1992 BC Gas filed its 1991 Annual Report on the performance and profitability of the Plan which was subsequently reviewed by the Commission. It was concluded that further evidence and review of the Plan was required; and
- C. By Commission Order No. G-49-92, Ms. Elsie L. Sands was appointed to conduct an Inquiry on the Plan under specified terms of reference, and to make a report; and
- D. On September 8, 1992 Ms. Sands filed a Report and Recommendations ("the Sands Inquiry Report") on the Plan dated September 4, 1992 and, following consideration, the Commission accepted the Sands Inquiry Report and issued Order No. G-95-92; and
- E. Order No. G-95-92 required the Plan to be terminated by BC Gas on the anniversary date following October 8, 1992 for each customer enrolled in the Plan; and
- F. On November 10, 1992 pursuant to Section 114 of the Utilities Commission Act ("the Act") the International Brotherhood of Electrical Workers - Local 213 ("the IBEW") applied for reconsideration of the Commission's Decision to terminate the Plan; and



- G. Following a review of the filings the Commission by order No. G-121-92 denied the IBEW request for reconsideration; and
- H. On January 21, 1993 the IBEW filed a Notice of Application for Leave to Appeal to the British Columbia Court of Appeal pursuant to Section 115 of the Act; and
- I. On March 3, 1993, the British Columbia Court of Appeal, granted the IBEW Leave to Appeal; and
- J. On March 29, 1993 the IBEW made a further request that the Commission reconsider Order No. G-95-92 and that the Commission order a stay of the terms of Order No. G-95-92 pending a public review; and
- K. The Commission has received submissions from the Gas Contractors Association of B.C. and BC Gas Inc. on the IBEW's further request for reconsideration and the timing of a public hearing; and
- L. The Commission has also received a number of complaints from the public on the cancellation of the Plan; and
- M. The Commission has concluded that a public review of the Plan and the Sands Inquiry Report should take place before the next heating season.

NOW THEREFORE the Commission orders as follows:

1. A public hearing into the Plan and the Sands Inquiry Report will commence at 9:00 a.m., on Monday, July 12, 1993 at the Federal Court of Canada Courtroom #1 - 16th Floor, Toronto Dominion Bank Tower, 700 West Georgia Street, Vancouver, B.C.
2. BC Gas will arrange for publication of a Notice of Public Hearing as per attached copy, in display-ad format in the business sections of one issue each of the Vancouver Sun and The Province newspapers on or before June 14, 1993, and in a representative sample of local community newspapers in the Lower Mainland as soon as practicable.

3. BC Gas will provide all current and previous customers who have been enrolled in the Plan with a copy of this Order and Notice of Public Hearing.
4. Intervenors and Interested Parties intending to be present and participate in the Public Hearing should provide written Notice of Intention to the Commission Secretary and to BC Gas to be received not later than June 30, 1993. Such notice should state the nature of the interest in the proceeding.
5. Those persons interested in receiving a Summary of the Plan and a copy of the Executive Summary of the Sands Inquiry Report should contact the Commission Secretary at the offices of the Commission, 6th Floor, 900 Howe Street, Vancouver, B.C., V6Z 2N3.
6. Those persons other than the IBEW, BC Gas, and the Gas Contractors Association of B.C. ("the Association"), interested in making written submissions or presenting evidence on the Plan or the Sands Inquiry Report shall, on or before July 5, 1993, file a copy with the Commission Secretary at the aforementioned address. The IBEW, BC Gas and the Association shall file a copy of their written Submissions and/or Evidence with the Commission Secretary on or before June 30, 1993.
7. BC Gas is to respond to requests for information within 7 days.
8. The IBEW application to stay Order No. G-95-92 pending the outcome of the public hearing is denied.

DATED at the City of Vancouver, in the Province of British Columbia, this 9th day of June, 1993.

BY ORDER



Lorna R. Barr
Deputy Chairperson

Attch.



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**BC GAS INC.
LOWER MAINLAND DIVISION
FURNACE REPAIR PLAN
NOTICE OF PUBLIC HEARING**

Time: 9:00 a.m.
Date: Monday, July 12, 1993
Location: Federal Court of Canada Courtroom #1
16th Floor Toronto Dominion Bank Tower
700 West Georgia Street
Vancouver, B.C.

THE FURNACE REPAIR PLAN AND THE SANDS INQUIRY REPORT

In 1991 BC Gas Inc. ("BC Gas") implemented a Furnace Repair Plan ("the Plan") in the Lower Mainland. On June 8, 1992 the Commission issued Order No. G-49-92 which appointed Ms. Elsie Sands to conduct a review of the Plan and provide the Commission with recommendations, pursuant to terms of reference. Ms. Sands issued a Report which recommended the Plan be terminated. The Commission adopted the recommendations in the Sands Inquiry Report in October, 1992. By Order No. G-95-92 the Commission ordered BC Gas Inc. ("BC Gas") to terminate the Plan. Following a decision of the Court of Appeal of British Columbia to grant leave to appeal Order No. G-95-92, the Commission received a further request from the International Brotherhood of Electrical Workers - Local 213 to reconsider Order No. G-95-92 and submissions from the Gas Contractors Association of B.C. ("the Association") and BC Gas. The Commission further reviewed the customer complaints received and has ordered that the matter be re-opened and re-examined in a public hearing before the next heating season.

THE PUBLIC HEARING

As noted above, a Public Hearing into the Furnace Repair Plan and the Sands Inquiry Report, will commence at 9:00 a.m., on Monday, July 12, 1993 in the Federal Court of Canada Courtroom #1, 16th Floor Toronto Dominion Bank Tower, 700 West Georgia Street, Vancouver, B.C.

PUBLIC INSPECTION OF THE DOCUMENTS

The BC Gas Furnace Repair Plan, the Sands Inquiry Report and other background information concerning the implementation, and termination of the Plan, are available for inspection at the offices of the British Columbia Utilities Commission, 6th Floor, 900 Howe Street, Vancouver, B.C. and at the offices of BC Gas, 1111 West Georgia Street, Vancouver, B.C.

INTERVENTIONS

Intervenors and Interested Parties intending to be present and participate in the Public Hearing should give written Notice of Intention to the Commission Secretary and to BC Gas to be received not later than June 30, 1993. Such Notice should state the nature of the interest in the proceeding.

INFORMATION REQUESTS

Registered Intervenors or Interested Parties requesting additional information about the Furnace Repair Plan, its termination, copies of the Executive Summary of the Sands Inquiry Report, or other documents, may do so by June 30, 1993. BC Gas shall respond to information requests within 7 days of receipt of such request.

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SUBMISSIONS AND EVIDENCE

The IBEW, BC Gas and the Association shall file their Submissions and/or evidence on the Plan and the Sands Inquiry Report in writing by delivery of one copy to the Commission Secretary and to each other on or before June 30, 1993. All other Submissions on the Plan and the Sands Inquiry Report and any evidence to be presented by others at the Public Hearing shall be submitted in writing by delivering one copy to the Commission Secretary on or before July 5, 1993.

CLARIFICATION

The public is invited to attend the hearing at any time. However, persons intending to participate in the public hearing and who are uncertain as to the manner in which to do so may contact Mr. Robert Pellatt, Commission Secretary, or Mr. Paul Gronert Manager, Petroleum Engineering, by telephone at 660-4700, or BC Toll-free 1-800-663-1385, by fax at 660-1102 or in writing to the above-noted address.

BY ORDER



Robert J. Pellatt
Commission Secretary