



LETTER NO. L-17-08

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. CANADA V6Z 2N3
TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

ERICA M. HAMILTON
COMMISSION SECRETARY
Commission.Secretary@bcuc.com
web site: <http://www.bcuc.com>

Log No. 25173

VIA E-MAIL

bchydroregulatorygroup@bchydro.com

May 8, 2008

Ms. Joanna Sofield
Chief Regulatory Officer
British Columbia Hydro and Power Authority
17th Floor, 333 Dunsmuir Street
Vancouver, B.C. V6B 5R3

Dear Ms. Sofield:

Re: British Columbia Hydro and Power Authority ("BC Hydro")
Customer Complaint – Mr. and Mrs. Dennis and Nora Johnson
E-Plus Program

Mr. and Mrs. Johnson informed the Commission by letter dated April 2, 2008 that they were advised by BC Hydro that they are no longer eligible to stay on the E-Plus program but could approach the Commission to appeal this decision. The Commission also received a letter from BC Hydro dated May 1, 2008 commenting on the statements made in Mr. and Mrs. Johnson's letter.

The Commission is of the view that BC Hydro was exercising its rights under its Tariff. The Commission acknowledges that in its recent decision regarding the E-Plus program, the Commission directed BC Hydro to pay more attention to the exercise of its rights under the E-Plus rate schedules and to ensure that its E-Plus customers are complying with the special condition of the rate.

However, upon careful review of the facts as presented in the letters dated April 2, 2008 and May 1, 2008, the Commission notes that BC Hydro has not responded or commented on the direct communications or conversations, as opposed to those mass circulation letters, between Mr. and Mrs. Johnson and its staff when BC Hydro was approached by the Johnsons for more information on the E-Plus program. It appears to the Commission that it was as a direct result of what was disclosed in those conversations that the Johnsons proceeded to replace the old inefficient pellet furnace and the old inefficient electric furnace.

The Commission generally does not reverse a utility's proper application and interpretation of its Tariff, nor is it a practice for the Commission to advise a utility of the appropriate content in its communications to existing customers. The Commission is also of the view that no existing customer should be able to claim an exception or benefit due to his or her own ignorance of the terms and conditions. Mr. and Mrs. Johnson's case is unique in the sense that as new customers to the E-Plus program, they took the initiative to approach BC Hydro to look for information and that in return they were not provided with full disclosure despite their efforts.

Notwithstanding the Commission directive to BC Hydro to ensure that its E-Plus customers are complying with the special condition of the E-Plus rate, the Commission is of the opinion that these undertakings should be done with fairness to the customers.

Accordingly, the appeal by Mr. and Mrs. Johnson is successful. BC Hydro is directed to contact the complainants to resolve the situation.

Yours truly,

Erica M. Hamilton

EC/emh

cc: Mr. and Mrs. Johnson

