



**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER** G-37-12

SIXTH FLOOR, 900 HOWE STREET, BOX 250  
VANCOUVER, BC V6Z 2N3 CANADA  
web site: <http://www.bcuc.com>

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

IN THE MATTER OF  
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

March 2012 Streamlined Review Process  
Policy, Procedures and Guidelines

**BEFORE:** L.F. Kelsey, Commissioner  
C.A. Brown, Commissioner  
D.M. Morton, Commissioner March 22, 2012  
N.E. MacMurchy, Commissioner  
R.D. Revel, Commissioner

**O R D E R**

**WHEREAS:**

- A. On January 27, 2012, the British Columbia Utilities Commission (Commission) invited comments from all regulated entities and regular interveners on the Draft Integrated Review Process Guidelines (Draft Guidelines);
- B. The Commission received comments from the Canadian Office and Professional Employees Union, Local 378, FortisBC Energy Utilities [FortisBC Energy Inc., FortisBC Energy (Vancouver Island) Inc., FortisBC Energy (Whistler) Inc., and FortisBC Inc.], British Columbia Old Age Pensioners Organization *et al.*, British Columbia Sustainable Energy Association, Pacific Northern Gas Ltd., Association of Major Power Customers of British Columbia, British Columbia Hydro and Power Authority, and Insurance Corporation of British Columbia. The comments received expressed general support for the new process;
- C. The Commission reviewed the comments received and revised the Draft Guidelines;
- D. The Integrated Review Process name has been changed, to better reflect the intent of the process, to Streamlined Review Process and the Draft Guidelines have been replaced with the Streamlined Review Process (SRP): Policy, Procedures and Guidelines (March 2012 SRP Guidelines);
- E. The Commission has reviewed the comments and considers that the issuance of the March 2012 SRP Guidelines is warranted.

**NOW THEREFORE** the Commission orders the March 2012 SRP Guidelines attached as Appendix A to this Order are approved.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 28<sup>th</sup> day of March 2012.

BY ORDER

*Original signed by:*

D.M. Morton  
Commissioner



# **STREAMLINED REVIEW PROCESS**

## **Policy, Guidelines and Procedures**

**MARCH 2012**

**British Columbia Utilities Commission  
Sixth Floor, 900 Howe Street, Box 250  
Vancouver, British Columbia, Canada V6Z 2N3**

**Telephone (604) 660-4700; Facsimile (604) 660-1102  
BC Toll Free: 1-800-663-1385**

**Internet Email: [commission.secretary@bcuc.com](mailto:commission.secretary@bcuc.com)  
Web Site: <http://www.bcuc.com>**

**TABLE OF CONTENTS**

<b>I.</b>	<b>INTRODUCTION AND POLICY STATEMENT .....</b>	<b>5</b>
<b>II.</b>	<b>BACKGROUND .....</b>	<b>5</b>
<b>III.</b>	<b>WHEN IS THE STREAMLINED REVIEW PROCESS APPROPRIATE? .....</b>	<b>5</b>
<b>IV.</b>	<b>PROCEDURES FOR THE STREAMLINED REVIEW PROCESS .....</b>	<b>6</b>
	i) <b>Initiation of the Process</b>	6
	ii) <b>Participation and Rights</b>	6
	iii) <b>Identifying Matters for Consideration</b>	7
	iv) <b>Activities in the Streamlined Review Process</b>	7
<b>V.</b>	<b>WHERE TO FIND ADDITIONAL INFORMATION .....</b>	<b>8</b>

## **INTRODUCTION AND POLICY STATEMENT**

This document provides an overview of the Streamlined Review Process. The British Columbia Utilities Commission (Commission) designed this process to review smaller applications with a limited number of issues brought forward by regulated entities. In appropriate circumstances, a Streamlined Review provides for the development of an adequate record of evidence for decision makers, in an effective and more efficient manner than a traditional oral or written hearing.

The Commission's policy is to use the Streamlined Review Process judiciously to save time and reduce the cost of regulation while achieving sound regulatory decisions through a fair and accessible process. The Commission is committed to procedural fairness and public participation in its processes and transparency in its decision making. It is in the spirit of these values that this process was implemented.

## **BACKGROUND**

The Commission is an independent regulatory agency of the Provincial Government of British Columbia that operates under and administers the *Utilities Commission Act* (Act).

Under section 86 of the Act:

"If this Act requires that a hearing be held, it must be a public hearing whenever, in the opinion of the Commission....a public hearing is in the public interest."

As an administrative tribunal, the Commission also has responsibilities and authority under the *Administrative Tribunals Act* which states, in section 11 (1), that:

"Subject to this Act and the tribunal's enabling Act, the tribunal has the power to control its own processes and may make rules respecting practice and procedure to facilitate the just and timely resolution of the matters before it."

Pursuant to the above mentioned Acts and to improve the efficiency of regulation in British Columbia, the Commission implemented the Streamlined Review Process.

This process provides all stakeholders the opportunity to collectively gather information and actively participate in building an understanding of the issues involved in a utility application.

The Streamlined Review Process is intended to expedite the flow of information between the Applicant, Registered Interveners and the Commission by incorporating the benefits of a workshop, information requests and an oral hearing into one efficient process.

## **WHEN IS THE STREAMLINED REVIEW PROCESS APPROPRIATE?**

The Commission will evaluate all or portions of an application in terms of the depth and breadth of the issues and consider if the issues are likely to be explored within a half day to one day proceeding and thus best disposed of through an expedited review.

In addition to the universal questions of participation, representation and the interests of non-represented groups in its proceedings, the Commission will consider a number of matters in determining when to use the Streamlined Review Process. These will include, but are not limited to:

- i) Is the application, or are portions of the application, particularly contentious? If so, the Streamlined Review Process may not be suitable.
- ii) Will the application pose policy issues about which there is no established Commission precedent? Although the Commission is not bound by precedent, as per section 75 of the Act, certain matters may require a more formal proceeding to ensure a more expansive public record.
- iii) The Commission Panel may request confirmation from the parties who intend to participate in the Streamlined Review Process. It may be the case that too large a number of Participants could preclude an effective process. When this occurs the Commission Panel may:
  - encourage Participants representing similar issues to work together;
  - decide that a Streamlined Review is not workable.

Use of the Streamlined Review Process is not limited to specific types of applications. The Commission will address the suitability of the process for applications as they arise. In addition, where appropriate, a Streamlined Review Process may be used in combination with an oral or written hearing or negotiated settlement process, where it is appropriate and expeditious to do so.

#### **PROCEDURES FOR THE STREAMLINED REVIEW PROCESS**

##### **i) Initiation of the Process**

The decision to initiate a Streamlined Review will be made by the Commission or a division of the Commission (Commission Panel) and confirmed by order. This decision will be made after thorough consideration of the application, the request and preferences of the Applicant, the preferences and likely interests of Registered Interveners and affected parties, as well as any other matter it considers relevant.

While unanimous support from the Applicant and the Registered Interveners is preferred before initiating a Streamlined Review Process, there may be situations where general agreement is sufficient.

With the objective of achieving a full evidentiary record, the timetable and process will be specified by the Commission Panel, with input from all parties. There may be a need to make a limited number of information requests before the proceeding commences. Sufficient information will be available to the Participants so that the issues can be assessed and the Streamlined Review can begin. In most cases this will include, at a minimum, the application and any responses to information requests.

Further development of the evidentiary record at the proceeding occurs in real time through discussion and questions and answers; thus, it is important that all information and resources be available for the Participants in the proceeding.

##### **ii) Participation and Rights**

Participants in the process include the Applicant, Registered Interveners and Commission staff.

The Streamlined Review Process follows the established Commission processes for Public Notice, Intervener Registration, distribution of proceeding documents and information to Participants, and timely posting on the Commission's website.

A Streamlined Review Process is considered a "proceeding" for the purpose of cost awards under section 118 of the Act. Awards may be approved by the Commission Panel for participation in the Streamlined Review, in accordance with the Commission's Participant Assistance/Cost Award Guidelines.

The Applicant may request that the application or portions of the application remain confidential in the Streamlined Review Process as per the Commission's Confidential Filings Practice Directive (Directive). The Commission Panel will review the request and make a determination on the request in accordance with the Directive.

**iii) Identifying Matters for Consideration**

Having made the decision to proceed with the Streamlined Review Process, the Commission Panel may also identify any matters it wishes the Participants to consider and this information will be provided to the Participants in written form.

**iv) Activities in the Streamlined Review Process**

The proceeding is generally intended to run for half a day to one full day and is transcribed. Transcripts are considered evidence and placed on the public record of the proceeding and the Commission's website, unless a request for confidentiality is granted.

Participants are expected to conduct themselves in a respectful manner and speak at a reasonable volume and speed (one person speaking at a time) to make transcription possible.

Any part of the process may be modified by the Commission Panel to suit the Participants, or to allow for a better understanding of the issues.

Where questions are not answered sufficiently during the proceeding, or unforeseen issues arise of a complex or contentious nature, the Commission Panel may call for an undertaking to address the issues specifically. Should an undertaking be required the opportunity for additional formal submissions and replies may be provided. Undertakings are generally avoided, if possible, as they result in delays and undermine the intent of the Streamlined Review Process.

The steps in the Streamlined Review Process include:

- At the outset of the Streamlined Review proceeding, the Panel Chair will provide an opening statement, comments on the application and general comments on process. The Panel Chair will generally act as the moderator for the duration of the proceeding.
- Participants will be sworn in and witnesses will be affirmed at the commencement of the proceeding.
- The Applicant will make an initial presentation on the application and may consider using a visual presentation.
- The Applicant will then discuss its application in a manner sufficient to address any questions that may have been posed in advance by Registered Interveners and Commission staff.
- The Applicant will respond to additional questions from Registered Interveners, Commission staff and the Commission Panel during the question and answer period. All qualified individuals representing the Applicant should be available at the proceeding to immediately address questions and concerns to avoid the need for undertakings which may delay the process. Certain circumstances may require an expert witness panel. All Participants are invited to seek clarification. Participants should first identify themselves and then ask appropriate questions to assist in further understanding and clarifying aspects of the application. This part of the proceeding is intended to build the evidentiary record while avoiding the burden posed by multiple rounds of information requests and responses.
- After the question and response period, the Panel Chair will ask the Applicant to provide a final submission verbally. Should Participants request a break in the proceeding for consultation with their respective counsel or witnesses, the Commission Panel will allow for this. The Applicant's final submission is followed by verbal

final submissions from the Registered Interveners. The Applicant will then have the opportunity for a verbal reply submission. The verbal submissions replace the need for and time involved in preparing written final submissions and replies. There may be certain instances where the Commission Panel may request written submissions from the Applicant and Registered Interveners within an appropriate timeline after the Streamlined Review proceeding.

- The evidentiary record closes when the Applicant's reply submission (verbal or written) is received. If an undertaking is deemed necessary at the close of the proceeding, the Commission Panel may provide the Participants with the opportunity to make additional formal information requests, submissions and replies.
- The Commission Panel may provide a decision verbally after the proceeding is closed, but will most likely issue a written decision shortly after the proceeding.

#### **WHERE TO FIND ADDITIONAL INFORMATION**

If you have additional questions about the process described above, please contact the Commission Secretary by email, phone, by fax or in writing using the contact information below:

Ms. Alanna Gillis Acting Commission Secretary British Columbia Utilities Commission 900 Howe Street, 6th Floor Vancouver, BC V6Z 2N3	Phone: 604-660-4700 Toll free: 1-800-663-1385 Fax: 604-660-1102 Email: <a href="mailto:Commission.Secretary@bcuc.com">Commission.Secretary@bcuc.com</a>
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