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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-11-13**

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

and

**An Application by FortisBC Inc.
for a Certificate of Public Convenience and Necessity
for the Advanced Metering Infrastructure Project
Intervener Request to Make Presentation at Oral Hearing**

BEFORE: L.F. Kelsey, Commissioner
D.M. Morton, Commissioner January 18, 2013
N.E. MacMurchy, Commissioner

ORDER

WHEREAS:

- A. On November 23, 2012, by Commission Order G-177-12, following a Procedural Conference in Kelowna, British Columbia, the British Columbia Utilities Commission (Commission) established an Amended Regulatory Timetable for the FortisBC Inc. Advanced Metering Infrastructure Proceeding (Proceeding) including a combination of a written and an oral hearing;
- B. Community –led Community Input Sessions were held before the Commission Panel in Trail, Osoyoos and Kelowna, British Columbia (November 6, 7 and 8, 2012, respectively). Mr. Jerry Flynn, an Intervener in the Proceeding, made a presentation at the Kelowna Community Input Session which was recorded (transcript Volume 3, pp. 16-25) and submitted as part of the record in the Proceeding (Exhibit C6-4);
- C. On December 4, 2012, Mr. Flynn requested an opportunity to present a PowerPoint presentation to the Commission Panel and to all other entitled and interested parties at the Oral Hearing (Exhibit C6-7);
- D. Commission Letter L-70-12 dated December 13, 2012 (Exhibit A-17), established a comment process to allow other Interveners and FortisBC to comment on Mr. Flynn’s request and an opportunity for Mr. Flynn to reply to those comments;
- E. Four Interveners and FortisBC provided comments according to the established process. No reply comment was received from Mr. Flynn according to the established timeline;

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-11-13**

2

- F. The Commission Panel considered the request to make a PowerPoint presentation at the Oral Hearing and the submissions made and determines that the established regulatory timetable which includes the Commission –led Community Input Sessions provides fair and reasonable opportunity for oral presentations and filing of evidence.

NOW THEREFORE as set out in the Reasons for Decision attached as Appendix A to this Order, the Commission denies the Intervener request to make a presentation at the Oral Hearing for this Proceeding.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of January 2013.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachment

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REASONS FOR DECISION

In an email to Commission staff dated November 20, 2012, Mr. Jerry Flynn, an Intervener in the FortisBC Inc. Advanced Metering Infrastructure Project (AMI) Proceeding, requested to present a PowerPoint presentation to the Commission Panel and other entitled and/interested parties at the Oral Hearing for the AMI Proceeding. In an email from Commission staff to Mr. Flynn dated November 28, 2012, Mr. Flynn was advised on protocol for filing evidence according to the established Regulatory Timetable (which could include Power Point presentation format) and that it would be unusual for a Commission oral hearing process to permit any new evidence or the re-presentation of existing evidence at the oral hearing. By email to Commission staff and a letter to the Commission Secretary, both dated December 4, 2012 (Exhibit C6-7), Mr. Flynn again requested that he be allowed to present his PowerPoint presentation at the Oral Hearing. In response to the Commission issued a letter to all Participants seeking comments on the request and providing an opportunity for reply comments from Mr. Flynn. (Exhibit A-17)

Intervener Comments

Four Interveners in the Proceeding provided comments.

Alex Atamanenko, MP for the BC Southern Interior (BCSI) states his support for Mr. Flynn's request as being relevant and interesting to the public and that due to the quantity and complexity of filed information in the Proceeding, that certain latitude should be extended towards "experts" whose presentations stand a good chance of bringing clarity to issues in a simple format. (Exhibit C1-4)

The BC Sustainable Energy Association together with the Sierra Club of BC (BCSEA-SCBC) comment that in the interest of fairness and efficiency, the Panel should only make an exception to the established, usual procedure if it finds that the usual procedure prevents a party from adequately presenting its evidence to the Panel. It further states that Mr. Flynn has already made an oral presentation to the Panel at the Kelowna community input session and has shown an ability to make extensive written submissions to the Panel and therefore, with respect, should not be granted an exception to present at the oral hearing. (Exhibit C4-8)

Andy Shadrack representing Area D Regional District Central Kootenay (RDCK) comments that Mr. Flynn has an opportunity to file his evidence in the existing process, but supports Mr. Flynn's request to orally explain the evidence as it relates to health and security. Mr. Shadrack further comments that Mr. Flynn could make opening comments at the oral hearing. (Exhibit C13-11)

The Commercial Energy Consumers (CEC) Intervener concurs with the BCSEA-SCBC's comments. (Exhibit C17-9)

FortisBC Comments

FortisBC joins the BCSEA-SCBC and CEC in opposing the request largely on procedural issues and fairness. FortisBC comments that as an Intervener Mr. Flynn would be entitled to make an Introductory Opening Statement at the oral hearing per the existing usual process, but that a PowerPoint presentation would be in the nature of evidence and should be filed according to the existing process.

Mr. Flynn submitted an email thanking one Intervener for his support and submitting further evidence related to the Proceeding. (Exhibit C6-8) Mr. Flynn was allowed until January 11, 2012 to reply. To date, no reply has been received.

Panel Determination

The Panel denies the request for Mr. Flynn to make a PowerPoint presentation at the Oral Hearing. The Panel acknowledges the interest and effort Mr. Flynn is undertaking as an Intervener in this Proceeding to bring forward evidence that he clearly feels is important in the consideration of the application before the Commission. The Panel also acknowledges the letters of comment and those Interveners wishing to accommodate Mr. Flynn and a flexible process in general. The Panel has concerns about procedural fairness in allowing exceptions to the established process for specific Interveners and finds that the existing process, as established by Order G-177-12, allows for fairness in filing evidence. Mr. Flynn made a presentation to the Panel at the Commission-led Community Input session in Kelowna, British Columbia and has filed that presentation as evidence. Mr. Flynn clearly demonstrates an ability to submit evidence and is encouraged to continue to do so in a manner consistent with established filing protocols and within the Amended Regulatory Timetable. The Panel will consider all the evidence, and the oral hearing will allow the evidence to be tested in a way that preserves fairness and procedural efficiency.