



**LETTER L-4-14**

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**VIA EMAIL**

January 27, 2014

TO: FortisBC Inc.  
Registered Interveners

Re: FortisBC Inc.  
Application for the Radio-off AMI Meter Option  
Application for Reconsideration of  
British Columbia Utilities Commission Decision and Order G-220-13

On December 19, 2013, the British Columbia Utilities Commission (Commission) issued Order G-220-13 and the accompanying Reasons for Decision on the FortisBC Inc. (FortisBC) Application for the Radio-off AMI Meter Option.

By letter dated January 20, 2014, David Aaron applied to the Commission on behalf of Citizens for Safe Technology Society (CSTS) for a reconsideration of Order G-220-13 (Reconsideration Application), pursuant to section 99 of the *Utilities Commission Act* (Act). Specifically, CSTS asserts that the Commission made errors in law in determining issues in relation to the application of the *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*. CSTS cites a number of reasons, which are set out in the Reconsideration Application, and CSTS asks that the material parts of the Decision be set aside.

Attached to this letter are: i) a copy of the Reconsideration Application, and ii) a copy of the Reconsideration and Appeals section of the Commission's Participant Guide, which identifies the criteria that the Commission generally applies to determine whether a reasonable basis exists to allow a reconsideration.

An application for reconsideration by the Commission proceeds in two phases. In the interest of both regulatory efficiency and fairness, and before the Commission proceeds with a determination on the merits of an application for reconsideration, the application undergoes an initial screening phase. In this first phase, the applicant must establish a *prima facie* case sufficient to warrant full consideration by the Commission. The Commission usually invites submissions from the other participants in the proceeding that led to the Decision that is the subject of the reconsideration request, or may consider that comments from the parties are not necessary. The Commission generally applies the following criteria to determine whether or not a reasonable basis exists for allowing reconsideration:

- the Commission has made an error in fact or law;
- there has been a fundamental change in circumstances or facts since the Decision;
- a basic principle had not been raised in the original proceedings; or
- a new principle has arisen as a result of the Decision.

Where an error is alleged to have been made, in order to advance to the second phase of the reconsideration process, the application must meet the following criteria:

- the claim of error is substantiated on a *prima facie* basis; and
- the error has significant material implications.

If the Commission determines that a reconsideration is warranted, the reconsideration proceeds to the second phase where the Commission hears full arguments on the merits of the application.

**The Commission hereby establishes a written comment process** on CSTS' Reconsideration Application to address the first phase issue of whether a reasonable basis exists to allow a reconsideration. The first phase will be a preliminary examination to assess the application in light of the following questions:

- Should there be a reconsideration by the Commission?
- If there is to be a reconsideration, should the Commission hear new evidence and should new parties be given the opportunity to present evidence?
- If there is to be a reconsideration, should it focus on the items from the Reconsideration Application, a subset of these items or additional items?
- If there is to be a reconsideration, what process should be established for the reconsideration?

The first phase assessment process for the Reconsideration Application will be as follows:

- Registered Interveners in the FortisBC Radio-off AMI Meter Option proceeding and FortisBC are to submit written comments, if any, to the Commission by Tuesday, February 4, 2014.
- CSTS is to submit a written reply, if any, to the Commission by Wednesday, February 12, 2014.

Written comments in the first phase should address whether the threshold for reconsideration has been met, rather than the substance of the issues. Following the completion of this written comment process, the Commission will decide whether or not a reconsideration should proceed. If the reconsideration proceeds to the second phase, the parties will be allowed subsequently to address the substance of the issues that the Commission approves for reconsideration.

Yours truly,

Erica Hamilton

LR/yl

Enclosure

cc: Mr. David M. Aaron  
c/o Citizens for Safe Technology Society  
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