



**ORDER NUMBER
G-181-17**

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Hydro and Power Authority
Inquiry of Expenditures related to the Adoption of the SAP Platform
British Columbia Utilities Commission Action on Complaint

BEFORE:

D. M. Morton, Commissioner/Panel Chair
H. G. Harowitz, Commissioner
R. I. Mason, Commissioner

on December 11, 2017

ORDER

WHEREAS:

- A. On December 10, 2015, the British Columbia Utilities Commission (Commission) received a letter dated December 8, 2015 from Mr. Adrian Dix, which makes a number of statements and allegations against British Columbia Hydro and Power Authority (BC Hydro) pertaining to its conversion to SAP as its Information Technology platform;
- B. On May 3, 2016, the Commission issued Order G-58-16 establishing an inquiry to review BC Hydro's expenditures related to the adoption of the SAP platform (SAP Inquiry);
- C. The regulatory process, established by Orders G-62-16, G-81-16, G-146-16, G-168-16 and G-26-17, has included intervenor registration, submissions by intervenors on the scope of the SAP Inquiry, two procedural conferences, BC Hydro's filing of consolidated information, one round of Commission and intervenor information requests (IRs), BC Hydro's filing of witness statements from six of its current employees, and one round of IRs on the six witness statements;
- D. On March 20, 2017, the Commission received a letter from the law firm Hamilton Howell Bain & Gould informing the Commission that on April 1, 2010, its client filed a code of conduct complaint (2010 Complaint) with BC Hydro's Code of Conduct Advisor, which has relevancy to the issues under consideration in the SAP Inquiry;

- E. Subsequent to submissions received from Mr. Dix and BC Hydro on whether the 2010 Complaint should be filed as evidence in the SAP Inquiry, the Commission issued Order G-86-17 which directed BC Hydro to file, among other things, the 2010 Complaint. The Commission also established a regulatory timetable that included a deadline for BC Hydro's filing of the requested documents and one round of Commission and intervener IRs on the documents. The regulatory timetable was subsequently extended by Order G-92-17;
- F. On June 28, 2017, BC Hydro submitted a confidential filing to the Commission in hard copy only. The confidential filing included the 2010 Complaint, approximately 100 documents related to the resolution of the 2010 Complaint, and documents related to a review of the 2010 Complaint which was undertaken by BC Hydro in 2016 (Code of Conduct Filing). In a separate, non-confidential cover letter to the Code of Conduct Filing, BC Hydro requested confidential treatment of all the information contained in the Code of Conduct Filing;
- G. Counsel for British Columbia Old Age Pensioners' Organization *et al.* (BCOAPO), Commercial Energy Consumers Association of BC (CEC), and Mr. Dix signed the Commission's Confidentiality Declaration and Undertaking Form to obtain access to the Code of Conduct Filing;
- H. By letter dated July 11, 2017, the Commission suspended the regulatory timetable established by Order G-92-17 and stated that it would come forth with a proposal for what information in the Code of Conduct Filing should be redacted and that BC Hydro and interveners' counsel who had signed the Confidentiality Declaration and Undertaking Form would have the opportunity to comment on the Commission's proposals;
- I. On July 26, 2017, the Commission filed its proposal for redactions to the Code of Conduct Filing and stated that the underlying premise of the Commission's approach is that no information should be kept confidential without a fully substantiated justification of the need for confidentiality;
- J. On July 31, 2017, counsel for Mr. Dix filed a letter informing the Commission that Mr. Dix will not be making any further submissions in the SAP Inquiry due to his appointment as Minister of Health in the BC Provincial Government on July 18, 2017;
- K. On September 6, 2017 and September 8, 2017, CEC and BCOAPO, respectively, filed submissions on the Commission's proposal for redactions. Both interveners supported the Commission's proposal for redactions;
- L. On September 13, 2017, BC Hydro filed a confidential and a redacted submission with the Commission which provides BC Hydro's proposed redactions to the Code of Conduct Filing. In its cover letter, BC Hydro describes the types of information that it has redacted and submits that the redacted information, in BC Hydro's view, must not be disclosed pursuant to obligations under the *Freedom of Information and Protection of Privacy Act* (FOIPPA) in order to protect personal information;
- M. By Order G-170-17 dated November 24, 2017, the Commission temporarily approved BC Hydro's proposal for redactions to the Code of Conduct Filing as provided in BC Hydro's September 13, 2017 submission. The Commission also proposed that the SAP Inquiry proceed to written arguments and established a regulatory timetable for submissions on the Commission's proposed process;
- N. By letter dated November 29, 2017, BC Hydro stated that it supported the Commission's proposed process;

- O. By letter dated November 30, 2017, CEC stated that due to procedural matters and confidentiality concerns, the Code of Conduct Filing has not yet been the subject of IRs; therefore, the proposed process should be amended to include one round of IRs on the Code of Conduct Filing before proceeding to written arguments. CEC also requested that the Commission allow for an expansion of access to the confidential Code of Conduct materials to relevant parties other than CEC's counsel upon signing of the Commission's Confidentiality Declaration and Undertaking Form in order to participate in the IR process. BCOAPO, in a letter dated December 1, 2017, took no position on the proposed process;
- P. BC Hydro responded on December 6, 2017 that it does not consider that a round of IRs would likely be helpful as the Code of Conduct materials are separate and detached from the rest of the record. However, BC Hydro stated that if the Commission determines that there will be a round of IRs, it could accommodate the timetable proposed by CEC; and
- Q. The Commission has reviewed the parties' submissions and makes the following determinations.

NOW THEREFORE the Commission orders as follows:

1. The Regulatory Timetable for the remainder of the SAP Inquiry, attached as Appendix A to this order, is established.
2. CEC's request for its consultant Mr. Craig to be granted access to the Code of Conduct Filing is approved upon Mr. Craig executing and filing with the Commission a copy of the Commission's Confidentiality Declaration and Undertaking Form.

DATED at the City of Vancouver, in the Province of British Columbia, this 11th day of December 2017.

BY ORDER

Original signed by:

David Morton
Commissioner

Attachment

British Columbia Hydro and Power Authority
Inquiry of Expenditures related to the Adoption of the SAP Platform
British Columbia Utilities Commission Action on Complaint

REGULATORY TIMETABLE

Action	Date (2018)
Commission and intervener information requests on the Code of Conduct Filing	Wednesday, January 10
BC Hydro response to information requests on the Code of Conduct Filing	Wednesday, January 17
BC Hydro written final argument	Wednesday, January 31
Interveners written final argument	Friday, February 16
BC Hydro written reply argument	Friday, March 2