



**ORDER NUMBER**  
**G-217-19A**

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

and

British Columbia Hydro and Power Authority  
Application to Amend Net Metering Service under Rate Schedule 1289

**BEFORE:**

D. A. Cote, Panel Chair  
R. I. Mason, Commissioner  
R. D. Revel, Commissioner

on September 16, 2019

**ORDER**

**WHEREAS:**

- A. On April 29, 2019, BC Hydro filed an application to seek approval from the British Columbia Utilities Commission (BCUC) to, among other things, amend the Availability, Billing and Rate provisions in Rate Schedule 1289 (Application);
- B. By Order G-103-19A, the BCUC established a regulatory timetable for the review of the Application, which includes one round of BCUC information requests (IRs) and one round of intervener IRs, followed by BC Hydro and intervener submission on further process and further process to be determined. The regulatory timetable was amended by Order G-144-19 and Order G-185-19;
- C. By September 3, 2019, the BCUC received submissions on further process from BC Hydro, BC Community Solar Coalition, B.C. Sustainable Energy Association, BC Old Age Pensioners' Organization et al., Commercial Energy Consumers Association of British Columbia, City of Fort St. John, Net Metering Ratepayer Group, and Mr. Hadland; and
- D. The BCUC has considered the evidence filed to date and the submissions made by the parties on further process and finds that a further regulatory timetable for the review of the Application is warranted.

**NOW THEREFORE**, for the reasons set out in Appendix A to this order, the Panel establishes the remainder of the regulatory timetable attached as Appendix B to this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 16th day of September 2019.

BY ORDER

*Original signed by Richard Mason for:*

D. A. Cote  
Commissioner

Attachments

British Columbia Hydro and Power Authority  
Application to Amend Net Metering Service under Rate Schedule 1289

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**REASONS FOR DECISION**

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**1.0 Introduction**

On April 29, 2019, British Columbia Hydro and Power Authority (BC Hydro) filed an Application to Amend Net Metering Service under Rate Schedule 1289 (Application) with the British Columbia Utilities Commission (BCUC).

On May 15, 2019, pursuant to Order G-103-19A, the BCUC established a written hearing process and a regulatory timetable that includes one round of information requests (IRs), submission on further process, and further process to be determined. By letter dated July 23, 2019, the Panel requested that parties address the following matters in their submissions on further process:

1. Whether it is your intention to file intervenor evidence and if so, to describe the nature of the evidence and what specific matters it relates to.
2. Whether the review of the Application should proceed by a written or oral public hearing, or some other process. If proposing an oral public hearing, what specific matters should be addressed through that process and why it is preferred to address those matters orally?
3. Steps and timetable associated with the recommended regulatory review process.
4. Any other matters that will assist the Panel to efficiently review the Application.

By September 3, 2019, the BCUC received submission on further process from BC Hydro, BC Community Solar Coalition (BCCSC), BC Sustainable Energy Association (BCSEA), BC Old Age Pensioners' Organization, Active Support Against Poverty, Council of Senior Citizens' Organizations of BC, Disability Alliance BC, Together Against Poverty Society and the Tenant Resource and Advisory Centre (BCOAPO et al.), Commercial Energy Consumers Association of British Columbia (CEC), City of Fort St. John, Net Metering Ratepayer Group (NMRG), and Mr. Hadland.

**2.0 Further Process**

**2.1 The Need for Another Round of Information Requests**

BC Hydro states that as the written record is already fairly substantial, including responses to over 600 IRs, it may be possible to proceed directly to the argument phase.<sup>1</sup> If the BCUC determines that a second round of IRs is required, BC Hydro submits that its scope should be limited to the approvals BC Hydro is seeking and that its purpose should be to clarify or follow-up on responses to round one IRs and not to canvass new issues.<sup>2</sup> CEC states it is prepared to move to Final Written Submissions.<sup>3</sup> BCSEA also states it does not require a second round of IRs.<sup>4</sup>

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<sup>1</sup> Exhibit B-6, p. 1.

<sup>2</sup> Exhibit B-6, p. 1.

<sup>3</sup> Exhibit C16-3, p. 1.

<sup>4</sup> Exhibit C1-4, p. 1.

BCOAPO suggests a process which would include one additional round of IRs, written final arguments and the utility's reply.<sup>5</sup> Mr. Hadland also expressed the preference for another round of IRs.<sup>6</sup>

## **2.2 Intent to File Intervener Evidence**

NMRG states that it "intends to file intervener evidence [and that it] believes it essential to have an opportunity to directly address for the Panel matters including:

- a. a reasonable interpretation of the Net Metering program requirements, criteria, rules, pricing, objectives, etc. at the outset and subsequently when additional parties opted to enter the program, and determine whether such an interpretation is consistent with BC Hydro's characterizations;
- b. an understanding of the motivations and challenges for a customer opting into the Net Metering program (participating customers);
- c. insight into the measures of success of the Net Metering program from the participating customers' perspectives – not simply from BC Hydro's perspective;
- d. details of the costs, timelines, useful life of generating equipment and infrastructure and expectations of recovery of investments from participating customers' perspectives; and
- e. at minimum, the necessity of appropriate grandfathering of current Net Metering pricing to provide at least a reasonable opportunity for participating customers to recover investments and achieve a fair return."<sup>7</sup>

BCCSC states it "may wish to provide intervener evidence, as necessary, and depending on the final process."<sup>8</sup> The City of Fort St. John states that "At this time, the City of Fort St. John may wish to provide, as deemed necessary, evidence related to its continued engagement as an intervener in the Active Proceeding." The evidence that may be made available includes, but is not necessarily limited to:

- information related to the City's existing Net Metering projects (in particular the City's micro hydro project);
- the City's total BC Hydro usage, associated costs and billing structure; and
- information related to previous engagements between City representatives and representatives of BC Hydro with respect to the Net Metering Program.

Mr. Hadland submits "As I am hoping to send in a second set of questions for BC Hydro, I will not know whether it would be appropriate to present evidence myself for the Commissions consideration until Hydro responds to those questions."<sup>9</sup>

No other intervener indicated an intention to file intervener evidence.

## **2.3 Need for an oral hearing**

BC Hydro submits that "Given the relatively limited scope and size of the Application, BC Hydro believes that the review of the Application should proceed by a written hearing."<sup>10</sup> BCSEA submits that a written public hearing would be appropriate.<sup>11</sup> BCOAPO submits that they do not see any need for an oral proceeding, and that they

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<sup>5</sup> Exhibit C15-3, p. 2.

<sup>6</sup> Exhibit C9-4, p. 1.

<sup>7</sup> Exhibit C23-4, pp. 1–2.

<sup>8</sup> Exhibit C18-4, p. 1.

<sup>9</sup> Exhibit C9-4, p. 1.

feel that a written process should suffice because all issues could be adequately explored and explained during the interrogatory process.<sup>12</sup> CEC states it is prepared to move to final written submissions and does not indicate a need for an oral hearing.<sup>13</sup>

The NMRG submits that it is essential to hold a public oral hearing to explore and test the contradictions in the evidence and provide an opportunity for cross-examination. NMRG submits that a written hearing would be inappropriate and inadequate in the circumstances as it would not enable the Panel to see and hear the contradictory evidence of BC Hydro and some participating customers explored and tested to the degree necessary.<sup>14</sup>

This City of Fort St. John is supportive of both written and oral public hearing processes and sees value in both approaches.<sup>15</sup> However, should an oral public hearing process be facilitated by the BCUC, the City will seek cost recovery measures to allow for our participation in the hearing, given the cost of travel from Fort St. John to the hearing location (assuming it is not in the Peace Region).<sup>16</sup>

BCCSC states that “BCCSC suggests that the process could be a written process. However, we also recognize that an oral hearing might be a more effective tool to allow for clarification of several issues and evidence in the procedural record ....”<sup>17</sup>

### *Panel Determination*

In consideration of the requests from several interveners for another round of IRs, and that at least one intervener intends to file intervener evidence, the Panel determines that the additional regulatory process to review the application shall include a further round of IRs and shall allow for intervener evidence and rebuttal evidence. **The Panel concurs with BC Hydro and determines that the scope of Information Requests No. 2 as included in the regulatory timetable in Appendix B to this order shall be to clarify or follow-up on responses to round one information requests and not to canvass new issues.**

The Panel acknowledges that the NMRG supports an oral hearing to explore and test the contradictions in the evidence and provide an opportunity for cross-examination. However, the Panel determines that an oral hearing is not warranted for this proceeding, as the issues to be canvassed can be adequately addressed through written information requests, submission of evidence and argument. NMRG will have the opportunity to submit further information requests to BC Hydro and to present its own evidence, all of which it can use to “explore and test contradictions in the evidence.” Further, as noted by the City of Fort St. John, an oral hearing process imposes additional regulatory costs, and the Panel is not persuaded that the additional cost of oral cross-examination is warranted given the size and scale of this proceeding, and the fact that only one intervener has requested an oral hearing.

**For these reasons, a further regulatory timetable for the review of the Application is established as set out in Appendix B to this order.**

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<sup>10</sup> Exhibit B-6, p. 1.

<sup>11</sup> Exhibit C1-4, p. 1.

<sup>12</sup> Exhibit C15-3, p. 1.

<sup>13</sup> Exhibit C16-3, p. 1.

<sup>14</sup> Exhibit C23-4, p. 2.

<sup>15</sup> Exhibit C17-3, p. 2.

<sup>16</sup> *ibid.*

<sup>17</sup> Exhibit C18-4, p. 1.

### 3.0 Other Issues

BCCSC is of the view that the BCUC should begin a public process to create a framework for determining how BC will adopt and integrate the rapid paradigm shift the utility industry is undergoing and how distributed generation (DG)/distributed energy resources (DERs) will be integrated into the regulatory, economic and technical electricity system to meet the future energy needs of BC. BCCSC further submits they believe an overarching regulatory framework is necessary and critical to guide any changes to Rate Schedule 1289 so the rate can effectively enable communities and community solar to fully participate in our shared energy future.<sup>18</sup>

#### *Panel Discussion*

The Panel considers that in light of BC Hydro's intention to address the Net Metering program in its upcoming Integrated Resource Plan to be filed by February 28, 2021,<sup>19</sup> there is no justification to expand the scope of the current proceeding to explore broader policy issues related to the Net Metering program at this time.

The Panel considers that the scope of this proceeding continues to be limited to the specific amendments to Rate Schedule 1289 as requested by BC Hydro in its Application. All interveners are requested to ensure that their submissions are consistent with this scope and are reminded that BC Hydro is not required to respond to information requests that are out of the proceeding's scope.

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<sup>18</sup> Exhibit C18-4, p. 1.

<sup>19</sup> BC Ministry of Energy, Mines and Petroleum Resources, April 1, 2019 New Releases, retrieved from [https://archive.news.gov.bc.ca/releases/news\\_releases\\_2017-2021/2019EMPR0010-000539.htm](https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2019EMPR0010-000539.htm).

British Columbia Hydro and Power Authority  
Application to Amend Net Metering Service under Rate Schedule 1289

**REGULATORY TIMETABLE**

Action		Date (2019)	
BCUC Information Requests (IR) No. 2		Thursday, September 26	
Intervener IR No. 2		Thursday, October 3	
BC Hydro response to BCUC and Intervener IR No. 2		Thursday, October 24	
Intervener Evidence		Thursday, November 7	
BCUC, BC Hydro and Intervener IR on Intervener Evidence		Thursday, November 21	
Intervener response to BCUC, BC Hydro and Intervener IR on Intervener Evidence		Thursday, December 5	
Action	Without Rebuttal Evidence Date (2019–2020)	With Rebuttal Evidence Date (2019–2020)	
BC Hydro rebuttal evidence	N/A	Tuesday, December 10	
BCUC and Intervener IR on BC Hydro rebuttal evidence	N/A	Tuesday, December 24	
BC Hydro response to BCUC and Intervener IR on BC Hydro rebuttal evidence	N/A	Thursday, January 16	
BC Hydro Final Argument	Thursday, December 19	Tuesday, February 4	
Interveners Final Argument	Thursday, January 16	Tuesday, February 18	
BC Hydro Reply Argument	Thursday, January 30	Tuesday, March 3	