



October 29, 2019

Sent via email

Letter L-53-19



Re: FortisBC Inc. – Complaint filed by J. S. – British Columbia Utilities Commission Review

Dear [REDACTED]:

The British Columbia Utilities Commission (BCUC) has reviewed your complaint using the criteria of whether the utility reasonably responded to the customer's concern(s) and whether the utility followed its electrical tariff (Tariff) and the *Utilities Commission Act*.

On January 23, 2019, the BCUC received your complaint concerning the Customer Portion of Costs (CPC) relating to the extension and replacement of FortisBC Inc.'s (FBC) infrastructure servicing your property. Following a request by BCUC staff, FBC provided its responses on January 31 and February 25, 2019. On March 13, 2019, you advised BCUC staff that your concerns had been addressed by the utility and that you were withdrawing your complaint.

On March 14, 2019, the BCUC received additional correspondence from you, relaunching the complaint against FBC. Following further requests by BCUC staff, FBC provided its responses on March 29, May 15, May 21 and June 27, 2019. As the BCUC has not received a response to the last email dated July 11, 2019, BCUC staff proceeded with the review of your complaint.

Based on our review of your complaint and related correspondence provided in this matter, the BCUC sees no indication that FBC was in contravention of its Tariff or the *Utilities Commission Act*.

Review Process

In reviewing FBC's response, under the BCUC Complaints Guidelines, the BCUC has, amongst other things, referred to FBC's approved Tariff, which contains the terms and conditions of service between FBC and its customers to ensure FBC's actions were in accordance with the Tariff.

The current version of the Tariff was approved by Order G-40-19 and came into effect July 1, 2019. The Tariff is set through a formal BCUC proceeding. In the Tariff, rates for each class or type of customer (residential, commercial, industrial) and terms and conditions are designed through a public consultation process to cover the cost of supplying customers in that class with electricity.

The issues raised in your complaint regarding pole replacement and the Customer Portion of Costs (CPC) is governed by the Tariff, and as such, FBC needs to adhere to the terms and conditions of the Tariff.

In your complaint, you disputed the CPC of a pole replacement to accommodate a new extension to a carriage house that had been planned and was subsequently built on your property.

Schedule 16 (previously Schedule 74, as referred to in FBC's correspondence) provides the framework for CPC. Section 16.3.4 (Special Contracts) states:

The special contract may require the applicant to pay for Extension Costs and upgrades or reinforcements of existing facilities, and to pay for any replacements of the Extension that may be required.

Following the relaunching of your complaint, the BCUC notes that FBC provided the following information regarding your concerns regarding the pole replacement, neighbourhood work, and aerial trespass:

- FBC stated that the existing infrastructure was installed in the alley behind the customer's property in 1979, according to the standards at the time. The pole was placed close to the property line to avoid undue congestion. A third-party contractor performed a title search and confirmed an aerial trespass of a cross arm and a primary conductor on the pole adjacent to your property.
- FBC stated that the carriage house was constructed at a one-meter setback from the property line adjacent to the alley, resulting in an encroachment on the primary and secondary conductors, which necessitated the relocation of the power pole.
- FBC stated that the proximity of the carriage house to the infrastructure has created a safety concern. FBC further stated that: "FortisBC's portion covers all costs associated with rectifying the trespass issue, as well as the shared costs in replacing the poles because of the safety issue and Mr. [S's] new service requirements for the carriage house."
- FBC addressed your query regarding other poles being replaced in your neighbourhood at no charge to the residents by stating that these upgrades were performed to remedy identified safety and/or trespass issues and were not related to any customer-initiated work.

In order to accommodate the extension and address the safety concerns arising from the construction of the carriage house on your property, FBC has performed an infrastructure upgrade. The BCUC notes that FBC has acknowledged its responsibility for addressing the aerial trespass and has adjusted the shared costs accordingly. The utility has an obligation to address the safety concerns, as required by the Tariff. The safety issues resulting from the construction of the carriage house made a further customer contribution necessary.

Accordingly, your file is now closed.

Office of the Ombudsperson

If you have concerns about how the BCUC handled your complaint, you may wish to contact the Office of the Ombudsperson. The Office of the Ombudsperson receives enquiries and complaints about the practices and services of public agencies within its jurisdiction. Their role is to impartially investigate complaints to determine whether public agencies have acted fairly and reasonably, and whether their actions and decisions were consistent with relevant legislation, policies and procedures.

If you decide to file a complaint with the Ombudsperson, they will review the BCUC's process to ensure it was fair. Though this may not result in a different outcome for you, the office could request that the BCUC reopen its investigation.

Provided is a link to the Office of the Ombudsperson's website: <https://www.bcombudsperson.ca/>. You can also call their office toll-free at: 1-800-567-3247. An employee at the office will be able to assist you and inform you of your options.

Thank you again for contacting the BCUC.

Sincerely,

Original Signed By:

Patrick Wruck
Commission Secretary

OK/mp

cc: FortisBC Electricity Regulatory Team
Gas.Regulatory.Affairs@fortisbc.com