



February 12, 2020

Sent via email

Letter L-5-20



Re: British Columbia Hydro and Power Authority– Complaint filed by T.C. – British Columbia Utilities Commission Review

Dear [REDACTED],

Thank you for contacting the British Columbia Utilities Commission (BCUC). The BCUC received your initial complaint against British Columbia Hydro and Power Authority (BC Hydro) on September 27, 2019, and you provided additional information through further correspondence (Complaint). Your Complaint is about the non-compliance of the underground conduit installed on your property at [REDACTED], BC (Property) and the installation of a connection to receive electrical service from BC Hydro.

The BCUC has completed its review of your Complaint. We have evaluated BC Hydro's response to your concerns and BC Hydro's obligations under its tariff and the *Utilities Commission Act* (UCA).¹ The BCUC is satisfied that BC Hydro has reasonably responded to your concerns and acted within its Electric Tariff and the UCA.

This letter outlines the BCUC's review process, and then provides a summary of your Complaint, the issues raised, a summary of the submissions the BCUC has gathered from you and BC Hydro, the BCUC's review of each issue, and potential next steps you can take.

Review of the Complaint

Review Process

After receiving your Complaint, BCUC staff provided BC Hydro an opportunity to respond to your Complaint. BC Hydro provided responses on October 2, 8, 9, and 28, 2019. You provided additional comments on October 9 and 28, 2019. BCUC staff issued Staff Information Requests (IRs) to BC Hydro and you on November 18, 2019, in order to seek further information. The BCUC received responses from both you and BC Hydro on December 6, 2019. The BCUC has received many supporting documents in response to the Complaint and IRs from BC Hydro and from you. Thank you for your fulsome responses.

Summary of the Complaint

In 2017, your electrical contractor installed underground conduit on your Property in order to connect to BC Hydro electrical service. Your electrical contractor, in his capacity as a Field Safety Representative (FSR), made a declaration to BC Hydro that the work he performed met the required standards and the connection

¹ For more details about the BCUC's complaints process, see the BCUC's Customer Complaints Guide at: <https://www.bcuc.com/Documents/Complaints/BCUC-Customer-Complaints-Guide-Feb-2017.pdf>.

was ready to be energised, according to BC Hydro's process. You paid BC Hydro a fee for the design and installation of infrastructure in order to connect the Property to BC Hydro's electrical system. After receiving the declaration from your electrical contractor, BC Hydro connected your Property to electrical service. Unbeknownst to you at the time, your electrical contractor had made a false declaration. Your electrical contractor installed the conduit in a location that required BC Hydro to change where it previously agreed to install its infrastructure. Neither party informed you of these changes.

In 2019, you had additional work performed at your Property, and during this process, you became aware of the non-compliant work performed by the electrical contractor. Technical Safety BC (TSBC) inspected the conduit and found that there were instances of non-compliance with the Canadian Electrical Code and BC Hydro's standards. Your Property remains connected to the BC Hydro electrical service and the non-compliant work remains unresolved.

In your Complaint you asked the BCUC to address the following issues:

1. BC Hydro did not install its infrastructure on the public property as drawn in 500-U07-07669. You submit that the only way to correct the issues on the Property is to relocate the public property ducting;
2. BC Hydro's representative should have noticed that your electrical contractor's use of conduit and depth of installation on your private property was non-compliant with the Canadian Electrical Code and BC Hydro's standards when connecting your Property to BC Hydro's electrical service in 2017. BC Hydro should not charge you for the new design, installation, and connection work, as the new work is required in order to correct work that BC Hydro should have found to be non-compliant when it first connected your Property to its system;
3. That the contractor's FSR designation be removed until he rectifies the work or reimburses you for the costs of hiring another electrician to rectify the work, and/or his bond be pulled; and
4. That the lack of a closed loop permit system to verify electrical installations on private property upstream of the electrical panel be rectified. In addition, you request that BC Hydro or TSBC or the BCUC implement compliance processes to protect consumers and homeowners. Homeowners are largely unaware of electrical codes and the jurisdiction of the regulatory bodies involved in electrical permitting. You express frustration that consumers have no recourse other than to sue an electrical contractor for non-compliant work after the fact.

Issues 3 and 4 are outside of the BCUC's jurisdiction

The concerns raised in issues 3 and 4 are outside of the BCUC's jurisdiction. The BCUC does not have the jurisdiction to review how TSBC operates or TSBC's regulatory oversight, including whether they regulate electrical installations on exterior private property. Further, TSBC is responsible for the issuance, renewal, and enforcement of the FSR designations. BC Hydro is not a regulatory body and is not responsible for the regulation of FSRs. You can file complaints regarding an FSR with TSBC.

You can address law reform or policy matters related to the jurisdiction of the various authorities to the government of BC.

Review of Issues 1 and 2

BC Hydro Design and installation

In the Complaint, you state that BC Hydro installed its infrastructure "...approx. 10 meters(M) from that property line" and that it "is one reason why the services now have to be re-located." You also state that you are not aware of why a change in design occurred and that "This was not on their plan, and the current location is what has caused the non-compliance with depth on [your] property."

In BC Hydro's IR responses and the drawing provided (titled 500-U07-07669.1), it appears that the infrastructure installation was done 3M from the Property line, rather than 1M, as originally designed. According to BC Hydro's response to BCUC IR 1.1, the change occurred because "the customer's contractor installed it at a location that was 3.0M off the east property line instead of only 1M off the east property line as planned." Further, in response to BCUC IR 2.5, BC Hydro states "the conduit on [REDACTED] property was already installed before BCH was onsite." In conclusion, it was your contractor who changed the location of the interconnection point, not BC Hydro.

In IR responses, both you and BC Hydro state that the non-compliant issues found in the TSBC inspection certificate are related to the conduit installation performed by your electrical contractor. Further, in response to BCUC IR 1.4, BC Hydro states: "All civil work installed by BCH meets BCH requirements and does not require any changes. None of the issues raised by the BCH representative or TSBC are related to any work performed by BCH or BCH's contractor."

BC Hydro does not plan to relocate its conduit installation and is not billing you to do so. Rather, as outlined in BC Hydro's response to BCUC IR 1.4, the work involves the following:

To correct the three non-compliant items, the customer will need BCH to remove the wire that is within the conduit before they can start work. After the repairs are made to the privately-owned conduit, BCH will need to reinstall the service wire. The estimate that BCH has provided covers the cost to remove and reinstall this wire. It does not include any cost related to civil work since no changes are required for the BCH civil work.

Therefore, the BCUC finds that the non-compliant items stem from the conduit installation carried out by your electrical contractor and not BC Hydro's installation.

Inspection of the electrical FSR's installation of the conduit

In the Complaint, you state your concern for safety and BC Hydro's responsibility for inspections prior to completing electrical service connections.

BC Hydro states that on December 28, 2017, BC Hydro's Civil Contractor arrived on site to complete the electrical connection and found that the private conduit was at the correct depth at the point of connection. BC Hydro's contractor noted the use of the correct conduit type and size at the property line. Further, BC Hydro has stated that during its work on the property, nothing of non-compliance was visible to its contractor. BC Hydro also relied on your FSR's declaration, which stated that the work met the standards required. BC Hydro states that it does not carry out inspections of work done by electrical contractors on private property before connecting service.

The BCUC notes that BC Hydro has outlined the process it follows when it observes non-compliant issues, including the actions it takes and its escalation process to TSBC. The BCUC finds that BC Hydro followed a reasonable process during the installation at your Property.

The BCUC has approved BC Hydro's Electric Tariff,² including the associated terms and conditions of service between BC Hydro and its customers. The BCUC does not have jurisdiction over BC Hydro's business practices, including how it conducts its operations, so long as its actions comply with the Electric Tariff and the UCA. The BCUC finds that BC Hydro has not done anything to contravene its duties and responsibilities set out in the Tariff or the UCA in relation to how it conducted the installation and inspection related to your Property. The BCUC

² The Electric Tariff is the legal service agreement between BC Hydro and its customers. It sets out the terms and conditions for service, rate schedules and standard charges. BC Hydro's Electric Tariff can be found here: <https://www.bchydro.com/content/dam/BCHydro/customer-portal/documents/corporate/tariff-filings/electric-tariff/bchydro-electric-tariff.pdf>.

further notes that BC Hydro has provided significant amounts of documentation related to the installation on the Property, responded to IRs, and described its business practices to the BCUC.

Consultation regarding design change

You have expressed concern that BC Hydro did not consult you regarding design changes. You imply that had you been made aware of the design changes this would have led to the discovery that the electrical FSR had been non-compliant in his work.

In response to BCUC IR 1.1, BC Hydro discusses the design change and states:

Although this required an adjustment to the location of BCH's conduit installation, this change did not result in significant additional costs, nor did it cause any technical difficulties with the design of the service. Regardless of the customer's contractor making the offset adjustment, the installation at the property line met BCH installation standards, and there was no additional cost to be raised for this change, BCH authorized its contractor to make the necessary field adjustment and proceeded with the work. There was no apparent reason to request approval from the customer to proceed.

The BCUC finds that as a matter of courtesy, BC Hydro should have informed you that a change had occurred and provided you with an updated diagram (titled 500-U07-07669.1). However, the BCUC notes that as stated by BC Hydro in response to BCUC IR 1.1, the non-compliant items were not visible to BC Hydro at the point of connection. In addition, it was your contractor who made the offset adjustment. Further, BC Hydro's discussion regarding design changes would not include an inspection of the work performed by the electrical FSR. As such, the BCUC finds no compelling evidence that had BC Hydro consulted you regarding the design changes, it would have led to the discovery of the non-compliant installation carried out by the electrical FSR.

Additional Costs

In the Complaint, you state: "All I am asking for is for BC Hydro to waive the cost of re-design back to their original design location which is what I paid for originally. I am not asking them to pay for the new services on my private property."

In response to BCUC IR 1.3.6, BC Hydro states:

The charge is not related to the change in the design as a result of the customer's contractor installing the private conduit in a different location from the original design. Further, the customer is not paying for another design. In this case, the charge is for BCH to return to the site, remove the wire that is within the conduit and de-energize the service before [REDACTED] contractor can correct the non-compliances. BCH would later return to site to reinstall the service wire and re-energize.

The BCUC notes that BC Hydro is not relocating its installation work or charging you for a new design. The BCUC finds no evidence that had BC Hydro carried out the installation at 1M off the property line, rather than 3M, this additional cost would not occur. The additional costs are for BC Hydro to perform work to allow your electrical contractor to correct the non-compliant work.

Summary

The BCUC has reviewed the correspondence provided by both you and BC Hydro and is satisfied that BC Hydro has reasonably responded to your concerns and acted within its Electric Tariff and the UCA. Accordingly, your file is closed.

You may wish to pursue a civil claim against your FSR electrical contractor regarding the non-compliant work that was completed at your Property. We are unable to provide you with legal advice.

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. Complaints are impartially investigated to determine whether public agencies have acted fairly and reasonably, and whether 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. The Office could request that the BCUC reopen its investigation though it may not result in a different outcome.

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 Ian Jarvis for:

Patrick Wruck
Commission Secretary

KN/mp

cc: customer.relations@bchydro.com