



**ORDER NUMBER  
G-128-20**

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

and

British Columbia Hydro and Power Authority  
COVID-19 Residential Rate Relief for Renters Application

**BEFORE:**

A. K. Fung, QC, Panel Chair  
T.A. Loski, Commissioner  
R. I. Mason, Commissioner

on May 28, 2020

**ORDER**

**WHEREAS:**

- A. On May 14, 2020, the British Columbia Hydro and Power Authority (BC Hydro) filed an application with the British Columbia Utilities Commission (BCUC) for approval of further amendments to its Electric Tariff, pursuant to sections 59 to 61 and 91 of the *Utilities Commission Act* (UCA), to allow for residential rate relief for renters who are unable to work as a result of the COVID-19 pandemic and who do not have a BC Hydro account in their name but pay for their electricity service through their rent (Application). In such cases, the BC Hydro account is in the landlord's name;
- B. Prior to the filing of this Application, on April 7, 2020, pursuant to the Direction to the BCUC Respecting COVID-19 issued by the Lieutenant Governor in Council on April 2, 2020 (Order in Council No. 159 or Direction), the BCUC issued Order G-79-20, approving amendments to BC Hydro's Electric Tariff in order to provide rate relief to BC Hydro's customers impacted by changes in employment and business closures associated with the COVID-19 pandemic;
- C. On May 21, 2020, by Order G-120-20, the BCUC established the Regulatory Timetable for the review of the Application, which provided for, among other items, one round of information requests from the BCUC to BC Hydro (IR No. 1), a web-based oral hearing, if required, and a request for submissions from BC Hydro and interveners;
- D. On May 26, 2020, in accordance with the Regulatory Timetable, BC Hydro submitted its responses to IR No. 1; and
- E. The BCUC has considered BC Hydro's responses to IR No. 1 and finds that an amendment to the Regulatory Timetable is warranted.

**NOW THEREFORE**, for the reasons set out in Appendix B to this order, the BCUC amends the Regulatory Timetable as set out in Appendix A to this order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 28th day of May 2020.

BY ORDER

*Original Signed By:*

A. K. Fung, QC  
Commissioner

Attachments

British Columbia Hydro and Power Authority  
COVID-19 Residential Rate Relief for Renters Application

REGULATORY TIMETABLE

Action	Date (2020)
Intervener Registration	Thursday, May 28
Written submissions from BC Hydro*	Monday, June 1
Written submissions from interveners*	Wednesday, June 3
Web-based oral phase of submissions, if required	Friday, June 5, commencing at 1:00 p.m.
Further Process	To be determined

\*The BCUC requests written submissions from BC Hydro and interveners regarding the following:

- i. Whether the relief for residential renters who are not BC Hydro account holders, as detailed in the Application, can be considered part of the “emergency program for residential customers,” as defined in Order in Council No. 159;
- ii. Whether the BCUC has jurisdiction to grant relief for electricity service charges included in rents paid by tenants to landlords who are BC Hydro account holders;
- iii. Whether the granting of interim approval is appropriate given that there could be potential challenges to reversing the credits granted in the event permanent approval is not granted;
- iv. Whether BCUC approval is required in order for BC Hydro to record the amounts credited by the Rental Relief Program and the related administrative costs to the Customer Crisis Fund (CCF) regulatory account for recovery from ratepayers, given that BC Hydro has not requested approval in the Application to record these amounts to the CCF regulatory account, and whether the requirement for BCUC approval would differ if the requested Electric Tariff amendments are not granted; and
- v. Whether BCUC approval under section 63 or another section of the *Utilities Commission Act* is required to provide relief for residential renters who are not BC Hydro account holders, given that BC Hydro submits that the Renter Relief Program is not a rate.

British Columbia Hydro and Power Authority  
COVID-19 Residential Rate Relief for Renters Application

## REASONS FOR DECISION

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On May 14, 2020, the British Columbia Hydro and Power Authority (BC Hydro) filed an application with the British Columbia Utilities Commission (BCUC) seeking approval of further amendments to its Electric Tariff, pursuant to sections 59 to 61 and 91 of the *Utilities Commission Act* (UCA), to allow for residential rate relief for renters who are unable to work as a result of the COVID-19 pandemic and who do not have a BC Hydro account in their name but pay for their electricity service through their rent (Application). Prior to the filing of the Application, on April 7, 2020, pursuant to the Direction to the BCUC Respecting COVID-19 issued by the Lieutenant Governor in Council on April 2, 2020 (Order in Council No. 159 or Direction), the BCUC issued Order G-79-20, approving amendments to BC Hydro's Electric Tariff in order to provide rate relief to BC Hydro's customers impacted by changes in employment and business closures associated with the COVID-19 pandemic.

On May 21, 2020, by Order G-120-20, the BCUC established a Regulatory Timetable for the review of the Application. The Regulatory Timetable provided for, among other items, one round of information requests (IR) from the BCUC to BC Hydro (IR No. 1), a web-based oral hearing, if required, and a request for submissions from BC Hydro and interveners.

On May 26, 2020, in accordance with the Regulatory Timetable, BC Hydro submitted its responses to IR No. 1, but declined to respond to a number of IRs that, in BC Hydro's view, are seeking submissions on legal issues and are also "the express subject of submissions to be filed on June 1, 2020." BC Hydro submits it will provide the responses to these IRs in its June 1, 2020 submission as "it is more appropriate for BC Hydro to provide legal submissions once the evidentiary phase of the proceeding has concluded."<sup>1</sup>

### *Panel Discussion*

In the Panel's view, the responses to the IRs that BC Hydro has declined to provide are crucial for the Panel to make a determination regarding BC Hydro's requested amendments to its Electric Tariff on an interim basis.

**Given that BC Hydro has declined to respond to these IRs and chooses instead to address them in its June 1, 2020 submission, the Panel finds that the regulatory process would be more effective if a web-based oral phase of submissions is held, if required, after receiving written submissions from interveners and BC Hydro, rather than hold a web based oral hearing prior to parties' submissions.**

The purpose of the oral phase of submissions is to provide the Panel with the opportunity to ask BC Hydro questions regarding its written submissions. Intervenors would have the opportunity to provide their verbal submissions regarding any issues arising from BC Hydro's answers to the Panel's questions, followed by an opportunity for BC Hydro to provide a verbal reply to intervenors' submissions, if applicable, at the oral phase of submissions.

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

**For the reasons stated above, the Regulatory Timetable established by Order G-120-20 is amended as set out in Appendix A to this order.** In addition, in the Panel's view, it would be useful in assisting with the Panel's determination for BC Hydro and interveners to address two additional items in their submissions. **Therefore, the items for BC Hydro and interveners to address in their written submissions include:**

- i. **Whether the relief for residential renters who are not BC Hydro account holders, as detailed in the Application, can be considered part of the "emergency program for residential customers," as defined in Order in Council No. 159;**
- ii. **Whether the BCUC has jurisdiction to grant relief for electricity service charges included in rents paid by tenants to landlords who are BC Hydro account holders;**
- iii. **Whether the granting of interim approval is appropriate given that there could be potential challenges to reversing the credits granted in the event permanent approval is not granted;**
- iv. **Whether BCUC approval is required in order for BC Hydro to record the amounts credited by the Rental Relief Program and the related administrative costs to the Customer Crisis Fund (CCF) regulatory account for recovery from ratepayers, given that BC Hydro has not requested approval in the Application to record these amounts to the CCF regulatory account, and whether the requirement for BCUC approval would differ if the requested Electric Tariff amendments are not granted; and**
- v. **Whether BCUC approval under section 63 or another section of the *Utilities Commission Act* is required to provide relief for residential renters who are not BC Hydro account holders, given that BC Hydro submits that the Renter Relief Program is not a rate.<sup>2</sup>**

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<sup>2</sup> Exhibit B-2, BCUC IR 1.5.