



ORDER NUMBER
G-309-20

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

and

Kyuquot Power Ltd.
Investigation into the Safety and Reliability of the KPL System

BEFORE:

D. M. Morton, Panel Chair
C. Brewer, Commissioner
T. A. Loski, Commissioner

on December 2, 2020

ORDER

WHEREAS:

- A. By email dated February 13, 2020, a representative of the Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nations (KCFN) filed a complaint with the British Columbia Utilities Commission (BCUC) concerning, amongst other things, a safety matter regarding Kyuquot Power Ltd. (KPL) (Complaint);
- B. The KPL power distribution system (KPL System) is interconnected to the British Columbia Hydro and Power Authority (BC Hydro) electric system and supplies customers, including KCFN, the Village of Hupsitas and others on the outer coast of Kyuquot Sound, with electricity;
- C. In the Complaint, the KCFN representative stated concerns regarding the reliability, service and maintenance of the KPL System;
- D. On May 15, 2020, by Order G-115-20, the BCUC established a regulatory timetable to review the safety and reliability of the KPL System;
- E. On June 15, 2020, the BCUC submitted BCUC Information Request (IR) No. 1 to KPL. On June 21 and 24, 2020 respectively, the KCFN and British Columbia Old Age Pensioners' Organization et al. (BCOAPO) submitted their requests to intervene. On July 27, 2020, KPL submitted their response to BCUC and KCFN IR No. 1;
- F. On August 21, 2020, BCUC amended the regulatory timetable to include another round of BCUC IRs. On August 28, 2020, the BCUC submitted BCUC IR No. 2 to KPL and BCUC IR No. 1 to KCFN. On September 23, 2020, KCFN submitted responses to BCUC IR No. 1 and on September 25, 2020, KPL submitted responses to BCUC IR No. 2;
- G. The BCUC reviewed the evidence submitted and determined that critical items remained incomplete, including urgent vegetation and maintenance work identified in KPL's System Stabilization Plan;

- H. On October 19, 2020, the BCUC issued Order G-261-20 requiring KPL, among other things, to undertake urgent vegetation and maintenance work within 21 days of issuance of the order;
- I. On November 2, 9 and 16, 2020, KPL submitted Progress Reports outlining the work undertaken by KPL, pursuant to Order G-261-20;
- J. On November 13, 2020, KPL filed a letter with the BCUC requesting an extension to complete the compliance directives identified in Order G-261-20 (Extension Request). In the Extension Request, KPL states they have been unable to complete the compliance directives within the prescribed timeframes due to the availability of consultants and contractors, the lack of available working hours due to adverse weather, limited daylight and emergency priorities;
- K. On November 20, 2020, by Order G-296-20, the BCUC sought submissions from registered interveners on KPL's Extension Request;
- L. On November 25, 2020, KCFN submitted a letter expressing concerns with KPL's Extension Request. KCFN states that KPL was aware of the vegetation management issues in early 2020. KCFN also expressed concerns about the multiple planned outages that will be required on the KPL System to complete the vegetation work. KCFN states that no substantive reasons were provided as to the necessity of the outages and requests that reasons for outages be outlined by KPL's vegetation management consultant/contractor. KCFN provided photographs that KCFN states highlight areas where vegetation is encroaching the KPL System;
- M. On November 27, 2020, KPL submitted a response to KCFN's letter. KPL states that KCFN does not express any objections to KPL's Extension Request. KPL also submits that "KPL's responses to the contents of the Letter are best left to a more appropriate time in the review process"; and
- N. The BCUC has reviewed the submissions and acknowledges KCFN's concerns. The BCUC also notes that progress is being made by KPL and they continue to submit weekly progress reports. Given these factors, in addition to the fact that the compliance directives are due to be submitted starting December 9, 2020, the BCUC determines that KPL's request for an extension is warranted.

NOW THEREFORE, pursuant to section 77 of the *Utilities Commission Act*, the BCUC grants an extension to the compliance directives of Order G-261-20 and orders as follows:

- 1. KPL is directed to provide the BCUC with a vegetation management plan identifying all urgent vegetation work on the KPL System (Vegetation Plan) by December 9, 2020. The Vegetation Plan shall be approved by a qualified utility arborist and shall include:
 - a. An action plan to complete priority items by December 20, 2020; and
 - b. An action plan and schedule to complete all remaining urgent vegetation work.
- 2. KPL is directed to provide the BCUC with a report demonstrating the completion of the action items identified in Directive 1(a) (Vegetation Plan Completion Report) by no later than December 29, 2020. The Vegetation Plan Completion Report shall be approved by a qualified utility arborist.
- 3. KPL is directed to provide the BCUC with a plan identifying all outstanding maintenance work on the KPL System (Maintenance Plan) by December 9, 2020. The Maintenance Plan shall be approved by a qualified professional engineer and shall include:
 - a. An action plan to complete priority items by December 20, 2020; and

- b. An action plan and schedule to complete all remaining outstanding maintenance work.
4. KPL is directed to provide the BCUC with a report demonstrating the completion of the action items identified in Directive 3(a) (Maintenance Plan Completion Report) by no later than December 29, 2020. The Maintenance Plan Completion Report shall be approved by a qualified professional engineer.
5. KPL is directed to provide the BCUC with a detailed scope and timeframe to complete KPL's full safety and condition assessment report (Assessment Report), which was included in KPL's March 30, 2020 System Stabilization Plan by December 9, 2020.
6. KPL is directed to conduct a review of its maintenance and safety management procedures under the guidance of a qualified professional engineer. KPL is directed to provide a report to the BCUC outlining the findings of the review and plans to implement any recommended changes to its maintenance and safety management procedures by December 29, 2020.
7. KPL is directed to continue to provide the BCUC with weekly progress reports outlining the work undertaken until KPL has demonstrated compliance with all directives noted above in this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 2nd day of December 2020.

BY ORDER

Original signed by:

D. M. Morton
Commissioner