



**ORDER NUMBER**  
**G-39-21**

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 February 5, 2021

**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 and, 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;

- H. KPL was directed to provide a vegetation management plan identifying urgent vegetation work on the KPL system (Vegetation Plan) and a maintenance plan identifying all outstanding maintenance work on the KPL System (Maintenance Plan);
- I. On November 13, 2020, KPL filed a letter with the BCUC requesting an extension to complete the compliance directives (Compliance Directives) identified in Order G-261-20 (Extension Request). In the Extension Request, KPL stated that 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;
- J. On November 20, 2020, by Order G-296-20, the BCUC sought submissions from registered interveners on KPL's Extension Request and, on November 25, 2020, KCFN submitted a letter expressing concerns with KPL's Extension Request. KCFN stated 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 requested 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;
- K. 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";
- L. On December 2, 2020, the BCUC issued Order G-309-20 granting the Extension Request and, on December 9, 2020 and December 29, 2020, KPL submitted compliance filings to the BCUC which described the vegetation and maintenance work completed pursuant to Order G-309-20 (Compliance Filings);
- M. After reviewing the Compliance Filings submitted by KPL, the BCUC, on January 27, 2021 issued Order G-29-21 and established a further regulatory timetable. The regulatory timetable required KPL to complete the remaining priority 1 items and required KPL to submit an engineer approved report demonstrating completion of all priority 1 items. The regulatory timetable also sought submissions from registered interveners on the completed and planned compliance activities as filed by KPL;
- N. On February 3, 2021, KPL filed a letter with the BCUC requesting an extension to the regulatory timetable established by Order G-29-21. KPL noted the Province of BC's COVID-19 travel advisory and indicated that it was difficult to ascertain whether travel by a representative of its Engineering contractor to Kyuquot is essential travel. KPL also noted that inclement weather may impact the ability to complete on-site work. KPL stated that the Engineering contractor is planning a site visit in March 2021 related to priority 2 work and submitted that combining the visits may result in a reduction in the potential COVID exposure and a cost saving;
- O. The KCFN response to BCUC IR 1.8.1 provides that KCFN has established a pandemic response team to monitor and authorize access for essential service providers and that access for multiple essential service providers has been granted. The dates to complete the priority 1 items have been extended twice; and
- P. The Panel is not persuaded by KPL's reasons for requesting an extension to the regulatory timetable and therefore rejects KPL's extension request. The BCUC determines that an amendment to the regulatory timetable is warranted.

**NOW THEREFORE** pursuant to the *Utilities Commission Act*, the BCUC orders the regulatory timetable is amended as set out in Appendix A.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 5<sup>th</sup> day of February 2021.

BY ORDER

*Original signed by:*

D. M. Morton  
Commissioner

Attachment

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**REGULATORY TIMETABLE**

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Action	Date (2021)
KPL to complete remaining priority 1 item identified in the Maintenance Plan	Tuesday, February 16
Intervener written submissions on KPL's compliance filings	Tuesday, February 16
KPL's reply to intervener written submissions (If required)	Monday, February 22
KPL to submit a report, approved by a professional engineer, demonstrating the completion of all priority 1 items.	Monday, February 22
KPL Final Argument	Monday, March 1
Intervener Final Arguments	Monday, March 8
KPL Reply Argument	Monday, March 15