

September 24, 2021

Sent via email

**Letter L-34-21**

**Re: Cove Power Society (CPS) – Complaint filed by H.N. – British Columbia Utilities Commission Review**

Dear [REDACTED],

On July 6, 2021, the British Columbia Utilities Commission (BCUC) received your complaint concerning Cover Power Society's (CPS) disconnection of an underwater power line to the Waterfront section of their property without providing an alternate power source. In the complaint, you noted that there is an existing power source located upland from the property. To access this power source, you had received an estimate of approximately \$60,000.00 to extend a line from the top of the property to the waterfront. The BCUC received additional correspondence from you between July 19, 2021 and September 1, 2021. Following requests by the BCUC, CPS provided its response to your complaint, as well as BCUC's Letter L-30-21 issued on July 30, 2021, on August 13 and August 25, 2021, respectively.

When the BCUC reviews complaints, it uses the criteria of whether the utility reasonably responded to the customer's concern(s) and whether the utility followed its approved Tariff and the *Utilities Commission Act* (UCA). As an administrative tribunal, the BCUC follows its own process for a number of procedures, including complaints. The BCUC is not a mediator of disputes, rather it is an independent regulatory agency of the Provincial government that operates under and administers the UCA.

Based on our review of your complaint and related correspondence provided in this matter, the BCUC notes that CPS must first notify the BCUC prior to the suspension or termination of power to its customers. The BCUC has not received a filing from CPS at this time and as such CPS is required by the UCA to continue providing service that the BCUC considers is in all respects adequate, safe, efficient, just and reasonable.

### **Review Process**

In reviewing CPS's responses, under the BCUC Customer Complaints Guide<sup>1</sup>, the BCUC has, amongst other things, referred to Order in Council No 367 (OIC 367) dated May 31, 2012 that granted CPS exemption from the requirements of Part 3 of the UCA, except for certain sections<sup>2</sup> of the UCA. This exemption was to remain in effect until the BCUC ordered otherwise or following the determination of any complaint it receives from a person whose interests are affected.

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<sup>1</sup> [BCUC Customer Complaints Guide](#)

<sup>2</sup> Sections 23, 25, 38, 41, 42, 43, 44 and 57.

As a public utility, CPS has various obligations it must fulfil, including to provide service to its customers. Under section 38 of the UCA, a public utility must:

- a) provide and*
- b) maintain its property and equipment in a condition to enable it to provide, a service to the public that the commission considers is in all respects adequate, safe, efficient, just and reasonable.*

## **Complaint**

On July 6, 2021 the British Columbia Utilities Commission (BCUC) received a complaint from N.H. representing G.L. (Complainant) regarding Cover Power Society's (CPS) proposed disconnection of an underwater power line to the Waterfront section of their property without providing an alternate power source.

The complainant also noted that there is an existing power source located upland from the property. To access this power source, the complainant offered that they had received an estimate of approximately \$60,000 to extend a power line from the top of the property to the waterfront.

On July 30, 2021, BCUC issued letter L-30-21 to CPS noting its responsibilities under the UCA and as part of their exempt utility status, to provide service to their customers and requesting their response to the complaint.

On August 13, 2021, CPS offered its response to the complaint. Within CPS's response they offered reasons for the decommission of the underwater connection, including the age of the marine line as well as the viability of moving to BC Hydro as the power source. CPS noted that the current system obtains power from BC Hydro through an overhead power pole on Genoa Bay Road and a second underwater cable that offers a connection at the water's edge. The overhead power line provides access to power to all CPS member properties, and all members, including the complainant, currently draw metered service from this overhead service line from upland connection points.

BCUC notes that as per their exempt status and Section 38 of the UCA, CPS may not refuse to provide service or discontinue service without written approval from the BCUC. Any discontinuation or modification of service must be submitted through an application to the BCUC. Given the information above, the BCUC requests that CPS suspend the termination of service to the Complainant until the BCUC receives and approves a filing from CPS requesting termination of service.

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 for contacting the BCUC.

Sincerely,

*Original signed by:*

Patrick Wruck  
Commission Secretary

DD/cmv

