



ORDER NUMBER
G-318-23

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

and

British Columbia Utilities Commission
Public Utility Safety Guidelines

BEFORE:

M. Jaccard, Commissioner

on November 20, 2023

ORDER

WHEREAS:

- A. On September 23, 2020, the British Columbia Utilities Commission (BCUC) established an inquiry to examine the role of the BCUC in the regulation of safety (Inquiry);
- B. On December 22, 2022, the BCUC issued Decision and Order G-381-22 and the final Stage 1 Report (Final Report) in the Inquiry;
- C. In the Final Report, amongst other things, the BCUC set out a framework of key principles to guide the BCUC in carrying out its regulation of public utility safety;
- D. The BCUC proposes to implement a set of public utility safety guidelines; and
- E. The BCUC considers that a public utility comment process regarding the BCUC Draft Public Utility Safety Guidelines (Draft Guidelines), attached as Appendix B to this Order, is warranted.

NOW THEREFORE the BCUC orders as follows:

- 1. A regulatory timetable is established, as set out in Appendix A to this order.
- 2. Public utilities are invited to submit letters of comment on the Draft Guidelines for the BCUC's consideration.
- 3. Letters of comment must be submitted by the date established in the regulatory timetable attached as Appendix A to this order. Letters of comment must be in the [Letter of Comment Form](#) and either (a) be submitted on the BCUC's website, (b) be submitted by email to commission.secretary@bcuc.com, or (c) be submitted by mail, courier or personal delivery to the British Columbia Utilities Commission, Suite 410, 900 Howe Street, Vancouver, BC V6Z 2N3.

DATED at the City of Vancouver, in the Province of British Columbia, this 20th day of November 2023.

BY ORDER

Original signed by:

M. Jaccard
Commissioner

Attachment

British Columbia Utilities Commission
Public Utility Safety Guidelines

REGULATORY TIMETABLE

Action	Date (2023)
Letters of Comment from public utilities	Tuesday, December 5



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British Columbia Utilities Commission Draft Public Utility Safety Guidelines

Applicability

Sections 23, 25, and 38 of the *Utilities Commission Act* (UCA) together set out the legislative basis for British Columbia Utilities Commission (BCUC) oversight of the safety of public utilities.¹ These sections of the UCA provide that:

- The BCUC is responsible for general supervision of public utilities;
- Public utilities are required to provide and maintain their property and equipment in a manner that the BCUC considers “is in all respects... safe”; and
- If, after a hearing, the BCUC determines that the service of a public utility is unsafe, it must make a determination of what constitutes safe service and order the utility to provide it.

Further, section 42 of the UCA requires public utilities to obey the lawful orders of the BCUC.

These guidelines apply to all public utilities that are subject to the BCUC’s jurisdiction under sections 23, 25, 38, and 42 of the UCA, unless otherwise directed by the BCUC.

Safety Reporting Requirements

Annual Declaration

Public utilities must file the annual safety declaration form attached as Appendix A (Annual Declaration), attesting to the safe operation of the public utility, and confirming that all material safety incidents, investigations, and penalties/fines have been reported to the BCUC. Public utilities are expected to use reasonable discretion in determining what constitutes a “material” safety matter. Generally, the BCUC expects that material safety matters would be of a magnitude that would attract the significant interest of the public of British Columbia. The BCUC does not expect this to impose a significant regulatory burden on public utilities. We encourage public utilities to engage with BCUC staff regarding the appropriate materiality threshold for their utility prior to filing the Annual Declaration to ensure the appropriate balance of transparency and regulatory burden.

Where applicable, public utilities must attach the supporting documentation listed in the Annual Declaration. For example, public utilities must provide a summary of any material safety incidents that have occurred to or on plant, equipment or other property of the public utility that endangered the safety, health or property of any person and have not been previously reported to the BCUC. The public utility must also attach a summary of the actions it has taken in response to each incident.

The Annual Declaration must be signed by an officer of the public utility and filed each year with the BCUC by no later than four months after the public utility’s fiscal year end.

¹ “Public utility” is defined in section 1 of the UCA.

Emergency Reporting

In the event of a critical safety incident arising from the public utility's service (e.g., an incident involving death or serious injury, or an incident where the public utility's service caused significant damage to public or private property and/or posed a significant risk to public safety) the public utility must notify the BCUC as soon as practicable. Such notification should be made in writing to the Commission Secretary at commission.secretary@bcuc.com, or by other appropriate means given the circumstances.

Ad Hoc Engagement

The BCUC encourages public utilities to engage with BCUC staff on safety-related matters on an as needed basis. For instance, the BCUC's Final Stage 1 Report in the Inquiry into the Regulation of Safety noted the potential for operational gaps to emerge in the regulation of public utility safety when utilities implement novel technologies or use existing technologies in novel ways.² Public utilities are encouraged to reach out to BCUC staff whenever they perceive such an operational gap.

BCUC Safety Oversight

The BCUC will review safety-related reporting, as well as other information regarding the safety of a public utility (e.g., complaints) and, as appropriate, may conduct inspections or establish proceedings to determine whether the service of a public utility is unsafe, and if so, determine what constitutes safe service and order the utility to provide it. Determinations on what constitutes safe service are expected to be made on a case-by-case basis, taking into consideration the unique facts and circumstances of the public utility.

Safety Management Program

The BCUC encourages public utilities to embrace safety as a core element of their organizational culture and to reflect this in their operations and decision-making processes.

A safety management program (SMP) is a structured framework that can support public utilities in effectively managing their safety-related activities and objectives. An SMP encompasses policies, procedures, processes, organizational structures, and resource allocation that collectively support safety considerations being integral to all operational aspects. The BCUC encourages public utilities to implement an SMP that is appropriate to the size and scope of its operations and considers the following key elements and aligns with the utility's unique operational challenges and resources.

Safety Policies and Objectives

- Clearly articulated safety policies and objectives endorsed by senior leadership that reflect the organization's commitment to safety, including its goals and objectives for safety performance and its alignment with industry best practices and regulatory requirements.

Safety Organizational Structure

- Established roles, responsibilities, and accountabilities for safety within the organization, including the appointment of a safety manager or other safety leadership roles.

Risk Assessment and Hazard Identification

- A robust process to identify hazards, assess risks, and implement controls to mitigate those risks.

² See pages 12 to 13 of the BCUC's Final Stage 1 Report, available [here](#).

Reporting and Communication

- Procedures for timely dissemination of safety-related information such as incident reporting and investigation to relevant stakeholders.

Training and Competence

- Training programs to ensure that employees possess the necessary skills and competence to perform their roles safely and effectively.

Emergency Preparedness and Response

- Plans and protocols to respond effectively to emergencies, ensuring the safety of personnel, communities, and the environment. Regular drills and exercises to validate the readiness of these plans.

Performance Monitoring and Continuous Improvement

- Procedures for monitoring and evaluating the effectiveness of the SMP, including safety performance data collection and analysis, and initiating corrective actions as needed.



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DRAFT Annual Safety Declaration for Public Utilities

Filing Instructions	
<p>This declaration is to be completed annually by public utilities, as defined in section 1 of the <i>Utilities Commission Act</i> (UCA), that are subject to regulation by the BCUC under sections 23, 25, 38, and 42 of the UCA, unless otherwise directed by the BCUC. The completed declaration is to be signed by an officer of the public utility and provided to the Commission Secretary at commission.secretary@bcuc.com. If email is unavailable, please mail the form to the address above.</p>	
Applicant Information	
Public Utility Name:	BC Business Registration No.:
Contact Address (if changed):	
Contact Phone (if changed):	Contact Email (if changed):
Declaration reporting period: <i>This Declaration is due no later than 4 months after the fiscal year end</i>	
Attestations Regarding Safety. Please select all that apply.	
<p>General</p> <p>During the reporting period:</p> <p><input type="checkbox"/> The public utility operated and maintained its property and equipment in a condition to enable it to provide service that is “adequate, safe, efficient, just and reasonable” in accordance with section 38 of the UCA, or</p> <p><input type="checkbox"/> A complete explanation of the manner in which the public utility did not comply with section 38 of the UCA is attached to this Declaration.</p>	
<p>Safety Incidents and Investigations</p> <p>During the reporting period:</p> <p><input type="checkbox"/> There were no material safety incidents that occurred to or on plant, equipment or other property of the public utility that endangered the safety, health or property of any person, or</p> <p><input type="checkbox"/> A record of all material safety incidents that occurred to or on plant, equipment or other property of the public utility that endangered the safety, health or property of any person during the reporting period are being or have been reported to the BCUC. <i>Please attach a summary of any material safety incidents that have not been reported to the BCUC previously, including a summary of the actions the public utility has taken in response to each incident.</i></p>	

During the reporting period:

- ☐ There were no material investigations related to safety performed by a regulator of the public utility, or
- ☐ All material investigations related to safety performed by a regulator of the public utility are being or have been reported to the BCUC. *Please attach a summary any safety investigations that have not been reported to the BCUC previously, including related documentation and a summary of any plans or actions taken to address any findings of the investigations.*

Safety Related Penalties/Fines

During the reporting period:

- ☐ There were no instances of material financial penalties and/or fines related to safety levied by a regulator of the public utility, or
- ☐ All material financial penalties and/or fines related to safety issued by a regulator to the public utility are being or have been reported to BCUC. *Please attach a summary of any material financial penalties/fines that have not been reported to the BCUC previously, including related documentation and a summary of the levied penalty/fine.*

Please attach any documents to this form as indicated by the attestations above or any additional safety related information of which the BCUC should be made aware.

I am authorized to make this declaration on behalf of the public utility and have sufficient access to the public utility's records to accurately complete this declaration. The information set out herein is complete and accurate, to the best of my knowledge, information, and belief. I have read and understand the *Utilities Commission Act*.

Signature of Authorized Signing Officer

Name:

Official Title:

Date: