



April 12, 2024

Sent via email

**Letter L-7-24**

**Re: FortisBC Energy Inc. – Complaint filed by J.B. - British Columbia Utilities Commission Decision**

Dear [REDACTED],

The British Columbia Utilities Commission (BCUC) writes regarding your complaint, submitted on July 11, 2023, regarding FortisBC Energy Inc. (FEI). Within your complaint correspondence, you stated concerns regarding the safety of FEI infrastructure located on your industrial zoned property. You stated that you were subdividing your property into six (6) industrial zoned lots (Project) and during the Project FEI did not provide adequate communication and direction regarding the location and burial depth of FEI's transmission pipelines (Pipelines) located on your property. Further, you communicated concerns with the safety of the Pipelines that intersected your parcel of land, stating, "we are on Fortis' word that the transmission pipelines are safe at insufficient depths with no documentation to support this claim." (Complaint).

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 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 is satisfied that FEI has reasonably responded to your concerns and acted in accordance with its Tariff and the UCA.

### **Review Process**

In reviewing FEI's responses, under the BCUC Customer Complaints Guide<sup>1</sup>, the BCUC has, amongst other things, referred to FEI's approved Tariff which contains the terms and conditions of service between FEI and its customers to ensure FEI's actions were in accordance with the approved Tariff.

The current version of FEI's Tariff was approved by Order G-41-24 and came into effect January 1, 2024. FEI's Tariff is set through a formal BCUC proceeding. In the Tariff, rates for each customer class (residential, commercial, industrial) and the terms and conditions of service are designed through a public consultation process to cover the costs of supplying customers in their respective classes.

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

## **Complaint**

### **J.B.'s position**

Within your complaint you state your concerns with the burial depth of two FEI Pipelines that intersect your industrial property, noting that the property has been an active industrial property for approximately 40 years and has two Pipelines that run through the center of the property in a Statutory Right of Way (SRW) owned by FEI. You state that you understood that transmission pipelines "should be at 1.2m in depth and we discovered that ours was in places 0.35m (14") below the surface of a berm". When you approached FEI regarding your concerns, you stated that an FEI representative assured you that the lines were safe and not a concern. Further, you stated that you are dissatisfied with FEI's communication regarding your Project and did not receive timely responses to your correspondence with FEI.

### **FEI's position**

FEI provided an overview of information issued to you, including a letter that stated that the Pipelines pose no safety concern, however if there were a change in the use of the land over the FEI SRW, FEI would require further process that included permits to be issued (Development Letter). Further, FEI provided you with the outcome of an FEI engineering assessment on the Pipelines. FEI had advised the Complainant that the existing depth of the Pipelines followed the standards set out in CSA Z662 for the then current use of the land. Further, FEI stated that after a pipeline has been designed and installed, the depth of cover can be eroded over the life cycle of a pipeline and may require assessment when issues are identified and/or FEI receives permit applications for work in the vicinity of a pipeline or a change in how the SRW was being utilized. If FEI determines that an engineering assessment is required on a pipeline, one is conducted to determine if there is a safety risk which considers numerous factors related to the pipe such as grade, wall thickness, integrity history above ground land use, and risk of third-party damage.

### **Determination**

Upon review of your complaint correspondence, the BCUC noted that the complaint concerns an FEI SRW located on your property. The BCUC does not have jurisdiction over these specific matters and accordingly the BCUC will not be addressing it in its determination of this Complaint.

Regarding the burial depths and safety of the Pipelines located on your property, the BCUC notes that FEI has assessed the current state of the Pipelines and noted that if the use of its SRW located on your property should change, further process including but not limited to an assessment of the Pipelines as well as any necessary permits would be required.

The BCUC finds that FEI's actions have been consistent with its duties and responsibilities as set out in its Tariff and the UCA.

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 again for contacting the BCUC.

Sincerely,

*Original signed by:*

Patrick Wruck  
Commission Secretary

DD/jm  
Enclosure

cc: FortisBC Energy Inc.