



May 8, 2024

Sent via email

Letter L-10-24

Re: FortisBC Inc. – Complaint filed by B.R. – British Columbia Utilities Commission Decision

Dear [REDACTED],

The British Columbia Utilities Commission (BCUC) writes regarding your complaint, submitted on July 26, 2023 regarding FortisBC Inc. (FBC). Within your correspondence, you state your concerns regarding FBC's vegetation management near your premises located at [REDACTED]. Further you expressed concern with quotations provided by FortisBC regarding the relocation of FortisBC's infrastructure impacting the vegetation. (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 FBC has reasonably responded to your concerns and acted in accordance with its Tariff and the UCA.

Review Process

In reviewing FBC's responses, under the BCUC Customer Complaints Guide¹, the BCUC has, amongst other things, referred to FBC's approved Tariff which contains the terms and conditions of service between FBC and its customers to ensure FBC's actions were in accordance with the approved Tariff.

The current version of FBC's Tariff was approved by Order G-340-23 and came into effect January 1, 2024. FBC'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.

Complaint

B.R.'s position

Within your complaint you state your concerns with FBC's proposed vegetation management of trees located near your premises that had been ongoing since "May of 2018". Further you expressed concern with multiple

¹ [BCUC Customer Complaints Guide](#)

quotations issued by FBC to relocate its infrastructure near your premises that necessitates the vegetation management. You stated that FBC had provided a number of quotations from June 18, 2020 to July 21, 2023, with varying amounts from “\$3800” to adjust the lines with an “alley arm”, \$11,141 for installing new poles and relocating the line, to “\$42,000” to place the lines underground. You stated a concern that FBC would not “honour the original proposal” when in discussion with you regarding the vegetation management required on August 14, 2023.

Within further correspondence you state your concern with FortisBC’s vegetation management policies and their lack of public consultation prior to changing those policies.

FBC’s position

FBC provided clarification regarding their vegetation management guidelines, including safety aspects, and provided information regarding quotations offered to relocate FortisBC’s infrastructure. Further, FBC provided reasonable justification for why the distribution line could not be moved to across the road from your premises. During the complaint FBC stated that the vegetation management required for the trees near your property had been completed and further correspondence noted that the clearing of debris had been completed after two visits by employees of FBC.

After the BCUC requested additional information, FBC noted that the trees were located on both the premises of the complainant as well as the road corridor for the City of Kelowna. FBC’s distribution lines are located in the City of Kelowna’s dedicated road corridor and as such an FBC right of way “is not required”.

Determination

Upon review of your complaint correspondence, the BCUC noted that the complaint concerns vegetation partially located in the City of Kelowna’s dedicated road corridor. 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 quotations issued by FBC for the relocation of FBC equipment near your premises, while FBC’s electric Tariff, Section 17.4, does address the availability of a customer requesting the relocation of FBC infrastructure, as well as the cost associated with the relocation being the responsibility of the customer, it does not address a requirement for an expiry date, nor does the Tariff mandate that quotations be honoured indefinitely. These are considered FBC business practices and fall outside the BCUC’s jurisdiction.

Regarding FBC’s vegetation management guidelines, at this time the guidelines, including a requirement for public consultation, are not subject to BCUC approval.

The BCUC finds that FBC’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 Inc.