



ORDER NUMBER
G-238-25

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

and

British Columbia Hydro and Power Authority
Complaint Filed by the [REDACTED]

BEFORE:

E. A. Brown, Commissioner
E. B. Lockhart, Commissioner
B. A. Magnan, Commissioner

on September 29, 2025

ORDER

WHEREAS:

- A. On September 11, 2024, D.N. filed a complaint (Complaint) with the British Columbia Utilities Commission (BCUC) against British Columbia Hydro and Power Authority (BC Hydro) on behalf of the [REDACTED] (Complainant), regarding the Complainant's premises located at [REDACTED] in Vancouver (Premises). The Complaint relates to two quotes received from BC Hydro to provide a safety cover for a single high-voltage 12 kilovolts (kV) line running alongside the Premises, in order for the Complainant to paint the building, and whether the distance between BC Hydro's assets and the building satisfies BC Hydro's clearance requirements;
- B. Between September 11, 2024 and January 15, 2025, BCUC staff proceeded with the complaint process in accordance with the BCUC's Customer Complaint Guide. Both the Complainant and BC Hydro filed further information during this process;
- C. On January 9, 2025, BC Hydro filed its response to BCUC staff questions issued October 25, 2024, indicating, among other things, that the powerline adjacent to the Premises was compliant with current BC Hydro distribution standards, and that the transformer had been installed in accordance with clearance requirements at the time of installation and had not undergone an upgrade, modification, or alteration that would require compliance with modern standards;
- D. On January 15, 2025, the Complainant commented on BC Hydro's response to BCUC staff questions; and
- E. The BCUC has reviewed the Complaint and subsequent correspondence and finds the following determination is warranted.

NOW THEREFORE pursuant to section 83 of the *Utilities Commission Act*, and for the reasons outlined in the decision accompanying this order, the BCUC dismisses the Complaint.

DATED at the City of Vancouver, in the Province of British Columbia, this 29th day of September 2025.

BY ORDER

Electronically signed by Bernard Magnan

B. A. Magnan,
Commissioner

DECISION

1.0 Background

On September 11, 2024, D.N. filed a complaint (Complaint) with the British Columbia Utilities Commission (BCUC) against British Columbia Hydro and Power Authority (BC Hydro) on behalf of the [REDACTED] (Complainant), regarding the Complainant's premises located at [REDACTED] in Vancouver (Premises). BC Hydro assets including poles, powerlines, and an overhead transformer are installed adjacent to the Premises in order to provide service to the Complainant and other BC Hydro customers. The Complaint relates to BC Hydro's costs to provide safety measures, including guarding (Safety Measures) for a single high-voltage 12 kilovolts (kV) line running alongside the Premises, in order for the Complainant to paint the building, and whether the distance between BC Hydro's assets and the building satisfies BC Hydro's clearance requirements.

2.0 Legislative Framework

Pursuant to section 83 of the *Utilities Commission Act* (UCA), if a complaint is made to the BCUC, the BCUC has powers to determine whether a hearing or inquiry is to be had, and generally whether any action on its part is or is not to be taken.

The BC Hydro Electric Tariff (Tariff) sets out the terms and conditions of service between BC Hydro and its customers. The current version of the Tariff was approved by Order G-42-25 and came into effect April 1, 2025. Section 3.1 of the Tariff states, in part:

BC Hydro will provide Service, and will make any upgrade, modification, replacement or removal of a Service Connection or any BC Hydro facility, equipment or apparatus in respect of the Service, as permitted by and in accordance with the applicable provisions of the Electric Tariff, BC Hydro's distribution system development plans and distribution standards, and applicable laws and regulations.

Previous versions of the Tariff that were in effect prior to April 1, 2025 included similar provisions regarding transformer upgrades, but did not include reference to replacements of transformers:

- In the version of the Tariff that was in effect prior to March 31, 2017, Section 3.11.2 stated in part that "[a] transformer upgrade shall be treated as a new Extension."¹
- The version of the Tariff that came into effect on April 1, 2017, contained the following language in section 3.11.3, which was still in effect when the Complaint was filed:²

BC Hydro will not make any upgrade, modification or alteration to a Service Connection or any transformer except as permitted by and in accordance with the applicable provisions of the

¹ BC Hydro Tariff, approved by Orders G-130-07 and G-171-07, effective April 1, 2008.

² BC Hydro Tariff, approved by Order G-5-17, effective April 1, 2017.

Electric Tariff and BC Hydro's distribution system development plans, distribution standards and applicable laws and regulations.

3.0 Review Process

Between September 2024 and January 2025, BCUC staff proceeded with the complaint process in accordance with the BCUC's Customer Complaint Guide.³ Both the Complainant and BC Hydro provided further submissions during this process. As part of the complaint process, BCUC staff issued questions to BC Hydro on October 25, 2024.

In reviewing the parties' submissions, the BCUC has referred to the Tariff to ensure BC Hydro's actions were in accordance with the approved terms and conditions in effect at the relevant time.

4.0 BC Hydro Infrastructure and Applicable Standards - Overview

In this section we summarize BC Hydro's submissions regarding the infrastructure that is the subject of the Complaint, and the applicable standards and regulations. The utility infrastructure consists of powerlines and a transformer on top of a pole.

BC Hydro explains that it installs its infrastructure on public property in collaboration with local government, in this case the City of Vancouver. Powerlines are designed and constructed to meet the minimum clearance from buildings as specified by BC Hydro's Distribution Standards, which adhere to the national standard for utility systems (CSA 22.3 No.1 Overhead Systems). These clearance standards were introduced in 1964 and have not changed since then.⁴

BC Hydro states that the powerlines on the west side of the Premises are installed on a public boulevard. BC Hydro states that the Strata townhouse is built right to the property line on the west side of the property but that the City of Vancouver currently requires structures to be set back from property lines.⁵

BC Hydro points out that its standards have been developed to ensure proper construction of the power system and public safety.⁶ Regarding distribution standards, BC Hydro states that its distribution standards for powerlines adhere to the national standard for utility systems, which requires a minimum of 2 metres between high-voltage power lines and nearby structures. Earlier versions of BC Hydro's distribution standards (dated 1929) required a minimum of 6 feet (1.8 metres) between high-voltage power lines and structures, reflecting a consistent standard over time.⁷ Regarding transformers, BC Hydro refers to the Canadian Electric Code which specified a minimum clearance between a building and an oil-filled transformer of 3 metres in 1958, which increased to 6 metres in 1971.⁸

³ [BCUC: Customer Complaints Guide](#).

⁴ BC Hydro, email dated September 23, 2024.

⁵ BC Hydro, email dated September 23, 2024.

⁶ BC Hydro, email dated October 9, 2024.

⁷ BC Hydro, email dated October 9, 2024.

⁸ BC Hydro, email dated January 9, 2025.

Regarding the safety of workers, BC Hydro states any workers performing work near its equipment must comply with all applicable safety regulations including WorkSafeBC regulations. In this case, the applicable WorkSafeBC regulation determines the requirements that must be met so that workers are able to safely work within the “limits of approach” (in this case 3 metres or 10 feet) of high-voltage equipment or conductors (i.e., equipment between 750 volts and 75 kilovolts).⁹ WorkSafeBC regulations further include a requirement that BC Hydro provide written assurance that it has visited the work site, assessed the scope of work and determined the best option to work safely near BC Hydro equipment.¹⁰

5.0 Complaint Overview

The Complainant states that it was planning to paint the Premises when it learned that the proximity of a single-phase 12 kV high voltage BC Hydro powerline, running adjacent to the Premises and terminating at a pole-top transformer at the end of the property on [REDACTED], triggered a requirement for temporary Safety Measures so that the maintenance work could be completed in accordance with WorkSafeBC regulations. The Complainant states:¹¹

While the line is located within the public right of way between our property and the sidewalk, it runs very close to our building. There would be no conflict if the line was higher, but it was installed at a height that barely clears the top of our building. As a result, it is impossible for a person to paint the two peaks of our building while they and their equipment remain 3 metres or 10 feet away from this high-voltage line, as required under current safety protocols. It now appears this could also pose a challenge for other future maintenance such as roof or window replacements, which are increasingly likely as the building ages.

The Complainant provides further detail regarding the powerlines, which it states sit 9.5 feet away from the building at the closest point:¹²

There is a very small portion of our building, maybe 2-3 feet vertical and 4-6 feet parallel to the pole line (the peaks) that would require workers to encroach the 10 ft distance from the pole line. To access these areas workers would be right near the limit of the safe distance of 8.5-10 feet away.

Following a site visit and discussion with a strata representative, BC Hydro provided an invoice for the temporary Safety Measures, pursuant to WorkSafeBC requirements, of [REDACTED] in June 2023. The maintenance work was delayed, however, and the invoice expired. In August 2024, BC Hydro provided an updated invoice of [REDACTED], which the Complainant states it paid “under duress.”¹³

The Complainant states that the requirement for Safety Measures arises because BC Hydro’s infrastructure encroaches on the Premises. It states that the roofline of the building has not changed since 1929 and therefore BC Hydro should have addressed this encroachment when it designed or subsequently maintained the powerline. The Complainant notes that in 2017 BC Hydro performed upgrades to the pole and transformer. The

⁹ BC Hydro, email dated September 23, 2024.

¹⁰ BC Hydro, email dated September 23, 2024.

¹¹ D.N., email dated September 11, 2024.

¹² D.N., email dated September 11, 2024.

¹³ D.N., email dated September 11, 2024.

Complainant alleges that since these upgrades do not comply with current safety and clearance requirements, BC Hydro should absorb a portion of the Safety Measure costs. In addition, the Complainant states that BC Hydro should be required to implement a permanent solution for the clearance issue.

The Complainant states that BC Hydro did not adequately justify the cost increase between invoices given that the scope of the maintenance work and planned work methods did not change from the time of the first invoice. The Complainant states that BC Hydro failed to discuss alternatives with the Complainant that could reduce the cost increase and failed to provide a permanent solution to the clearance conflict.¹⁴

The Complainant states “there has to be something we can do about this line and the encroachment on the property costing the strata approximately [REDACTED] per year just to do routine maintenance safely.”¹⁵

The Complainant requests that the BCUC:

1. disallow the increase of Safety Measure costs between the two invoices;
2. direct BC Hydro to absorb a portion of present and future costs to install Safety Measures, in the absence of a permanent solution; and
3. direct BC Hydro to find a permanent solution to eliminate the requirement of temporary Safety Measures to perform routine maintenance for the Premises, at BC Hydro’s expense and in a timely manner.¹⁶

6.0 Complainant’s Concerns

In this section, the Panel reviews and summarizes the parties’ submissions pertaining to the Complainant’s concerns and provides a determination with respect to each of these concerns.

6.1 Difference in Costs between Invoices

The Complainant states that BC Hydro did not adequately justify the cost increase between invoices given that the scope of the maintenance work and planned work methods did not change from the time of the first invoice. In addition, the Complainant states that BC Hydro did not adequately explain to the Complainant or its painting contractor the possible alternatives to minimize the necessary Safety Measures.¹⁷

BC Hydro states that its representative visited the Premises in 2023 and determined Safety Measures would be the only way for workers to safely perform the proposed work as the alternative of shutting off power temporarily to allow the work to proceed would impact other customers.¹⁸

BC Hydro states that the first estimate associated with the Safety Measures was based on requirements that arose from a site visit in 2023 to assess the scope of work, which resulted in the June 2023 estimate totalling

¹⁴ D.N., email dated June 14, 2024.

¹⁵ D.N., email dated June 14, 2024.

¹⁶ D.N., email dated September 11, 2024.

¹⁷ D.N., email dated October 11, 2024.

¹⁸ BC Hydro, email dated September 23, 2024.

██████ for employing Safety Measures to protect the worker from the high voltage line. BC Hydro states that by June 2024, the Strata had hired a contractor, and BC Hydro attended the site again to confirm the scope of work and determine a new estimate. This second estimate was based on the Complainant's contractor's description of the scope of work.¹⁹ According to BC Hydro, this increased scope of work, together with a significant increase in supply and labour costs between the first and second estimate, resulted in the August 2024 estimate totalling ██████.

BC Hydro also states that since the Complainant's work requires Safety Measures to ensure compliance with WorkSafeBC regulations, it is the Complainant's responsibility to pay for required Safety Measures.²⁰ BC Hydro acknowledges the Complainant's concerns with cost increases but submits that ratepayers should not subsidize the Complainant's responsibilities to meet WorkSafeBC requirements.²¹

Panel Determination

The Panel has reviewed the Complainant's concerns regarding the increase in the cost of the Safety Measures and accepts BC Hydro's explanation of the price increases as reasonable. **We are satisfied with BC Hydro's explanation that the costs went up from 2023 to 2024 because of the increased scope required by the Complainant's painting contractor, as well as from inflation of BC Hydro's costs between the calculation of the two estimates, resulting in a higher cost of supplies and labour.** We are not persuaded that BC Hydro should have explained the various alternatives more clearly to the Complainant or its contractor; rather, we consider it was their responsibility at the time to ensure they clearly understood the requirements and alternatives.

The Panel observes that these costs are driven by WorkSafeBC requirements arising from the work to be undertaken by the Complainant. In our view, it would not be appropriate for BC Hydro to absorb the Complainant's cost of complying with WorkSafeBC requirements. **Therefore, we decline to disallow the increase of Safety Measure costs between the two invoices, as the Complainant requests.**

6.2 Should BC Hydro Absorb a Portion of the Costs?

The Complainant submits that BC Hydro should pay at least some of the costs of the Safety Measures for several reasons. First, the Premises were built before the powerline was installed and therefore BC Hydro should have designed the powerline accordingly. The Complainant acknowledges, however, that the placement of the high voltage line in relation to the building "seems to be within regulation."²²

BC Hydro indicates that it searched BC Hydro's archives for the Premises and although it was unable to determine when the electric service was installed or connected to the building, a search of the Vancouver Historical Building Permits suggests the building was constructed in 1910. BC Hydro states that it assumes the electrical connection was completed around the same time. Further, it states that when the transformer was originally installed, there were no clearance standards for transformers.²³

¹⁹ BC Hydro, email dated October 9, 2024.

²⁰ BC Hydro, email dated January 9, 2025.

²¹ BC Hydro, email dated October 9, 2024.

²² D.N., email dated October 11, 2024.

²³ BC Hydro, email dated January 9, 2025.

Second, the Complainant submits that BC Hydro has not conformed to its own standards, referring to the transformer that is less than six metres away from combustible surfaces on a building, contrary to current BC Hydro distribution standards. The Complainant states that when BC Hydro was doing some work in 2017, it upgraded the pole that the transformer sits on, and it should have done that work in conformance with the Tariff.²⁴ Since BC Hydro failed to do that in 2017, it should therefore bear some of the costs now.

BC Hydro, however, states that the work it did in 2017 did not constitute an upgrade and therefore did not trigger the requirements of the Tariff. Rather, BC Hydro replaced the pole and transformer in 2017 because they had reached end of life, and it exchanged the transformer with the same type and capacity. Therefore, there was no “upgrade, modification, or alteration” to either the service connection or the transformer.²⁵

Moreover, BC Hydro notes that although the transformer is less than six metres away from [REDACTED] and therefore it is not in compliance with current distribution standards for the clearances to combustible surfaces, this is not the reason why the Safety Measures are required. BC Hydro confirms that the Safety Measures are the result of the proximity of the house to the primary and secondary voltage lines (which comply with BC Hydro’s current distribution standards), not to the transformer.²⁶

Third, the Complainant submits that the BC Hydro infrastructure also serves the neighbours, yet the neighbours do not incur costs for Safety Measures when they need to do basic property maintenance. The Complainant states that it simply does “not accept that our strata should be solely responsible for the added costs to do basic maintenance on our property given the line also benefits our neighbours (but they are not similarly disadvantaged), the age of our building, and the alternative routing or heights that would have been available to BC Hydro in the original design and also in subsequent upgrades of the line.”²⁷

Panel Determination

The Panel is not persuaded there are any grounds on which to require BC Hydro to absorb any of the costs of the Safety Measures.

First, there is no evidence to suggest that the powerlines do not comply with current standards regarding distance from buildings. The Complainant accepts that the evidence indicates the placement of the high voltage line is within regulation.

Second, we are satisfied that the work conducted by BC Hydro in 2017 on the pole and transformer did not trigger the need for BC Hydro to ensure the transformer met the current distribution standard. The Tariff provisions in effect at the time were specifically worded to require compliance with current standards if BC Hydro upgraded, modified or altered the service connection or the transformer, but did not require compliance with current standards for a replacement. We find that, in this case, BC Hydro replaced the transformer in 2017 (as opposed to upgrading, modifying, or altering it), since it exchanged the transformer with another of the

²⁴ D.N., email dated October 11, 2024.

²⁵ BC Hydro, email dated January 9, 2025.

²⁶ BC Hydro, email dated January 9, 2025.

²⁷ D.N., email dated September 11, 2024.

same type and capacity. Therefore, there was no need for BC Hydro to move the transformer to more than six metres from the building to comply with that distribution standard.²⁸

Moreover, there is no evidence that moving the transformer so that it was more than six metres from the building / combustible surface would reduce or eliminate the costs associated with the Safety Measures.

Further, there is no evidence that BC Hydro could have, or indeed should have, designed the infrastructure differently. This might be an issue if the evidence pointed to standards that BC Hydro did not meet when it installed the infrastructure; however, that is not the case. Thus, whether the Complainant's building, in particular the roofline, pre- or post-dates BC Hydro's infrastructure is not relevant.

Finally, while we sympathize with the Complainant having to pay these costs every time it needs to perform maintenance on its building, we note that the costs are necessary because of the Complainant's needs, not BC Hydro's. In the Panel's view, BC Hydro should not be required to absorb the cost of Safety Measures for property owners doing maintenance work on their own buildings.

6.3 Should BC Hydro Implement a Permanent Solution?

The Complainant requests that BC Hydro address the safety risk of the transformer and implement a permanent solution to eliminate the encumbrance that BC Hydro's powerlines cause to the Premises.²⁹

BC Hydro states that its design team has worked with the Complainant to provide options to relocate or reconfigure its infrastructure on the west side of the Premises, including relocating the powerlines underground or moving the nearby pole top transformer. BC Hydro notes the available space in this neighbourhood is constrained, and the costs of moving its infrastructure would be the sole responsibility of the initiator.³⁰

The Complainant submits that it is clear BC Hydro did not consider these issues when it undertook the pole replacement in 2017. For example, it could have installed a taller pole and then raised the lines in the future when other poles were also due for replacement. The Complainant states that there was simply no consideration of the proximity of this line to its building, presumably because BC Hydro believes the building was inappropriately designed, not the utility's infrastructure.

BC Hydro notes that the transformer is 5.13 metres away from the building as compared to the current standards of 6 metres.³¹ BC Hydro states that:

Although BC Hydro is not bound by CSA Standards, we generally follow them, including CSA 22.3 No.1:20 *Overhead System*, which states:

²⁸ Two versions of the BC Hydro Tariff were in effect at different times in 2017. As noted in section 2 above, the version that was in effect prior to March 31, 2017 referenced an "upgrade" to a transformer as opposed to an "upgrade, modification or alteration," but regardless of which version was in effect, the Tariff did not require adherence to updated standards based on the work completed by BC Hydro at that time.

²⁹ D. N., email dated January 28, 2025.

³⁰ BC Hydro, email dated September 23, 2024.

³¹ BC Hydro, email dated January 9, 2025.

Existing installations meeting the requirements of prior editions of this Standard need not be modified to comply with this edition of the standard, except as might be required for safety reasons by the authority having jurisdiction.

In the case of the transformer's location near the Complainant's building, BC Hydro indicates that it would not generally modify the transformer to comply with the updated standard unless required for safety reasons, or if required by the Tariff.

Panel Determination

The Panel finds no basis to require BC Hydro to implement a permanent solution to accommodate the Complainant's requests, because BC Hydro is not in breach of the Tariff or the UCA. The evidence indicates BC Hydro is willing to work with the Complainant to pursue a permanent solution at the Complainant's expense.

The Panel acknowledges that although the overhead distribution lines adjacent to the Premises comply with BC Hydro's standards, the Complainant is concerned that the distance between the transformer and the Premises is not in accordance with BC Hydro's current distribution standards. However, the Panel is satisfied with BC Hydro's explanation that the transformer was installed in accordance with the clearance standards applicable at the time of installation, which was 1910, based on the estimated installation date of the transformer and overhead lines adjacent to the Premises. The Panel is also satisfied that the replacement of the transformer in 2017 did not constitute an upgrade, modification, or alteration that would have required compliance with the standards of the Tariff in effect at the time, as discussed in Section 6.2. Further, the fact that the transformer does not meet the current clearance standard does not mean it presents a safety risk, and there is no evidence to that effect.

Accordingly, pursuant to section 83 of the UCA, the Complaint is dismissed.

DATED at the City of Vancouver, in the Province of British Columbia, this 29th day of September 2025.

Electronically signed by Elizabeth A (Lisa) Brown

E. A. Brown
Commissioner

Electronically signed by Blair Lockhart

E. B. Lockhart
Commissioner

Electronically signed by Bernard Magnan

B. A. Magnan
Commissioner