



March 9, 2026

Sent via email

Letter L-7-26

[REDACTED]

Re: FortisBC Inc. – Complaint filed by A.W. – British Columbia Utilities Commission Decision

Dear [REDACTED]:

The British Columbia Utilities Commission (BCUC) writes regarding your complaint, submitted on October 25, 2025, about FortisBC Inc. (FBC). In your complaint you state that FBC has withheld revenue owed to the Penticton Indian Band's (PIB) independent power producer (IPP) under a power purchase agreement (PPA). The lack of payment has resulted in a deficient or absent High-Voltage Interconnection Safety Switch and a critical safety concern at the substation (Complaint). You requested, amongst numerous other things, that the BCUC investigate FBC's conduct and order FBC to disburse payment to the IPP so that it could properly maintain its equipment.

When the BCUC reviews complaints, it considers 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 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.

This letter outlines the BCUC's review process, and then provides a summary of your complaint, the issues raised, the BCUC's review of each issue.

Review Process

The BCUC has followed its Customer Complaints Guide¹ in reviewing the Complaint and FBC's correspondence. The BCUC has reviewed whether FBC's conduct was in accordance with its Tariff,² which contains the terms and conditions of service between FBC and its customers.

¹ [BCUC Complaints Guide](#)

² FBC's Tariff is set through a BCUC proceeding. The current version of the Terms and Condition in FBC's Tariff was approved by Order G-40-19 and came into effect July 1, 2019. 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.

The BCUC has also considered sections 23, 25, and 38 of the UCA, which set out the legislative basis for BCUC oversight of the safety of public utilities. 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.

Complaint

Your Position

In the correspondence submitted to the BCUC, you state that FBC has withheld funds owed to PIB arising from the continuous breach of a PPA with PIB’s IPP and claim that withholding these funds is counter to the principles of the *Declaration on the Rights of Indigenous Peoples Act*. Further, you state that the funds owed to the IPP are necessary for PIB to fund mandatory maintenance, and FBC’s withholding of the funds has resulted in an unmaintained High-Voltage Interconnection Safety Switch (HVIS) at the FBC grid boundary. You further state that the HVIS is a documented fire and shock hazard, which you have formally reported to Technical Safety BC (TSBC), the entity that regulates the installation and operation of electrical equipment and systems.

You also state that the high-voltage interconnection asset associated with the Adrian George IPP Substation has a critically deficient or missing HVIS. You state that this defect places the interconnection in persistent violation of the North American Electric Reliability Corporation’s Mandatory Reliability Standards (MRS) (e.g., related to FAC-009-1 and PRC-005-2). You request that the BCUC issue an Emergency Safety Order to FBC directing it to install the HVIS at the specified interconnection point and honour the PPA with PIB.

FBC’s Position

In response to the Complaint, FBC confirmed that it has no record of the PPA or IPP referenced in your correspondence. FBC explained that it does not receive any power generated from the location noted in the Complaint. It conducted an assessment of distribution feeders and electrical poles in the area, made note of non-emergent repairs to be completed in 2026, and confirmed that it did not identify any urgent repairs or safety concerns. In response to your concerns about MRS violations, FBC explains that the property referenced in the Complaint is connected at an 8kv distribution voltage, and that only transmission and generation facilities connected at 100kv or higher are subject to MRS requirements.

FBC states that it has been working with PIB, WorkSafeBC and TSBC to investigate your safety concerns. TSBC confirmed to FBC that it conducted an on-site inspection and did not identify any safety concerns. FBC personnel attended a meeting with PIB’s Chief and a representative from WorkSafeBC, who also confirmed that no safety concerns were identified and that there was no basis for these claims. With permission from PIB’s Chief, FBC attached a letter in its submission to the BCUC from PIB addressed to yourself, in which PIB states that the statements made in the Complaint are false, defamatory, and disruptive to Band operations. FBC explains that the Complaint has caused considerable inefficiencies for FBC, the BCUC, PIB, WorkSafeBC, and TSBC.

Determination

The BCUC has reviewed the Complaint correspondence and notes that FBC has reasonably responded to this matter and has acted according to its Tariff.

The BCUC notes that FBC has worked with PIB, WorkSafeBC, and TSBC to investigate your safety concerns, and no party was able to identify the IPP referenced in the Complaint or safety concerns related to the IPP.

As such, the BCUC finds that FBC's actions have been consistent with its duties and responsibilities as set out in its Tariff and the UCA and further finds the Complaint erroneous and lacking merit.

Accordingly, the Complaint is dismissed, and your file is now closed.

Sincerely,

Electronically signed by Bernard Magnan

B. A. Magnan
Commissioner

CMV/jm

cc: electricity.regulatory.affairs@fortisbc.com