



ROBERT J. PELLATT
COMMISSION SECRETARY

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June 22, 1995

Mr. Jack English
Pacific Rim Resort
Box 570
Tofino, B.C.
V0R 2Z0

Dear Mr. English:

Re: British Columbia Hydro and Power Authority
No Cash Acceptance Policy

Further to your facsimile of June 12, 1995 requesting that the Commission conduct a hearing regarding the above-noted, the Commission responds as follows.

In a letter dated March 17, 1995, the Commission requested information on the legal opinion which addressed the issue of a "no cash" policy. In a letter dated April 7, 1995, B.C. Hydro responded to the Commission advising that:

- the Currency Act, R.S.C. 1985, C-52, s.8(1) defines legal tender as "...a tender of payment of money is a legal tender if it is made (a) in coins issued under the authority of the Crown for circulation in Canada that are current under section 7; and, (b) in notes issued by the Bank of Canada pursuant to the *Bank of Canada Act* intended for circulation in Canada."
- there was no authority found to support the notion that a creditor must accept cash payments at its place of business and that the general common law notion that legal tender is a form of money which the creditor is compelled to accept is unfounded (unsupported).
- the Electric Tariff states that "Bills may be paid at any business office of B.C. Hydro or to any authorized Collection Agency" (Tariff pg. B-25). There is no indication in the tariff as to how a bill is to be paid and therefore no obligation imposed upon B.C. Hydro to guarantee that all forms of payment will be accepted at B.C. Hydro's business offices.
- B.C. Hydro's decision to no longer accept cash payments is a result of increasing concern for customer and employee safety due to recent armed robberies at several locations as well as the large cost that would be incurred to implement required safety and security systems.

The Commission notes that while B.C. Hydro may not be accepting cash at its business offices, the utility has made arrangements with the National Money Mart and five Provincial Government Agents to act as an authorized agent of B.C. Hydro in the collection of bill payments. This arrangement allows customers to pay their hydro bills in cash without incurring additional service charges. The Commission considers that B.C. Hydro has made sufficient effort in making alternative payment methods available for its customers and that a hearing into the issue of the "no cash acceptance policy" is not required.

Enclosed for your information is a copy of B.C. Hydro's April 7, 1995 response to the Commission which details the five government agents and 36 Money Mart locations around the Province accepting cash payments on behalf of B.C. Hydro.

The Commission therefore dismisses your complaint and will not set the matter down for public hearing. Thank you for taking the time to write to the Commission.

Yours truly,



Robert J. Pellatt

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Enclosures

cc: Mr. John Sheehan, President and CEO
Mr. David Harrision, Senior Vice President,
Corporate & Financial Affairs and Chief Financial Officer
Ms. Gail Sexsmith, Senior Vice-President, Customer Services
British Columbia Hydro and Power Authority