



LETTER NO. L-5-09

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. CANADA V6Z 2N3
TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

Log No. 28100, 27759

ERICA M. HAMILTON
COMMISSION SECRETARY
Commission.Secretary@bcuc.com
web site: <http://www.bcuc.com>

VIA E-MAIL

bchydroregulatorygroup@bchydro.com

January 15, 2009

Ms. Joanna Sofield
Chief Regulatory Officer
British Columbia Hydro and Power Authority
17th Floor, 333 Dunsmuir Street
Vancouver, B.C. V6B 5R3

Dear Ms. Sofield:

**Re: British Columbia Hydro and Power Authority ("BC Hydro")
Customer Complaint – Burnaby Lake Greenhouses Ltd. - Billing Issues**

On November 26, 2008 Burnaby Lake Greenhouses Ltd. ("BLG") wrote to the British Columbia Utilities Commission ("Commission") with a complaint regarding billing irregularities with BC Hydro. BLG indicated that this is the second time that BC Hydro has advised it of significant billing errors being identified.

BLG was enrolled in BC Hydro's Power for Jobs rate in 1999 on a 10 year contract basis. When BLG expanded its service by adding another greenhouse in 2004, BC Hydro installed the incorrect type of metering for a Power for Jobs account. The error was not corrected until 2005. This resulted in BLG being under-billed, and subsequently, back-billed in October 2005 for \$103,151.00. This was to be repaid over a 12 month period.

In August 2008, an incorrect meter multiplier was identified when technicians were preparing to upgrade the meter. At the time of the meter exchange in February 2005, BLG had been billed at a meter multiplier of 1,200 over the last 3 years instead of at a multiplier rate of 4,800 which prompted BC Hydro to back-bill BLG for the under-billed consumption for a period of 1 year (August 2007 to August 2008), at \$143,897.81.

BC Hydro has offered BLG an 18 month repayment term for the original back-billing and for the subsequent back-billing, as per the *Utilities Commission Act*, the utility is not allowed to waive payment on registered consumption. BC Hydro has indicated to the Commission that should the Commission direct BC Hydro to waive the amount outstanding, BC Hydro would not object.

Section 63 of the *Utilities Commission Act* states that:

"A public utility must not, without the consent of the commission, directly or indirectly, in any way charge, demand, collect or receive from any person for a regulated service provided by it, or to be provided by it, compensation that is greater than, less than or other than that specified in the subsisting schedules of the utility applicable to that service and filed under this Act and the regulations."

Section 5.8 (Item 7) of BC Hydro's Electric Tariff, Terms and Conditions, states that:

"Subject to Item 4 above, in every case of under-billing, BC Hydro will back-bill the Customer for the shorter of:

- (a) the duration of the error; or
- (b) six months for residential, Small General Service (commercial) or irrigation; and
- (c) one year for all other Customers or as set out in a special or individually negotiated contract with BC Hydro.

Given the circumstances, and the gesture extended by BC Hydro in an attempt to rectify the burden incurred by BLG, the Commission consents to BC Hydro waiving the second back-billing amount of \$143,897.81 owing.

Yours truly,

Original signed by:

Erica M. Hamilton

emh

cc: Mr. H. Van Der Ende
Burnaby Lake Greenhouses Ltd.
17250 – 80th Avenue
Surrey, BC V4N 3G4