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LETTER L-22-12

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VIA EMAIL

April 11, 2012

CSTS BC HYDRO SMART METER COMPLAINT
DECISION RECONSIDERATION **EXHIBIT A-1**

TO: British Columbia Hydro and Power Authority
Mr. David M. Aaron

Re: British Columbia Hydro and Power Authority
Andrea Collins and the Citizens for Safe Technology Society
Complaint under Section 47 of the Utilities Commission Act

By the enclosed letter dated April 4, 2012, counsel for Andrea Collins and the Citizens for Safe Technology Society (Complainants) applied for a reconsideration of letter L-13-12 (Reconsideration Application) issued by the British Columbia Utilities Commission (Commission) on March 5, 2012. The Complainants assert that the Commission made various errors of fact and law in its Decision that warrant full reconsideration of the Decision.

Enclosed is a copy of the Reconsideration and Appeals section of "Understanding Utility Regulation: A Participant's Guide to the B.C. Utilities Commission," which identifies the criteria the Commission applies to determine whether a reasonable basis exists to allow a reconsideration.

An application for reconsideration with the Commission proceeds in two phases. In the interest of regulatory efficiency and fairness, the application undergoes an initial screening phase. In the first phase, the applicant must establish a *prima facie* case sufficient to warrant full reconsideration by the Commission. The Commission usually invites submissions from the other participants in the original proceeding, or may consider that comments from the parties are not necessary. The Commission generally applies the following criteria to determine whether or not a reasonable basis exists for allowing reconsideration:

- the Commission has made an error in fact or law;
- there has been a fundamental change in circumstances or facts since the Decision;
- a basic principle had not been raised in the original proceedings; or
- a new principle has arisen as a result of the Decision.

Where an error is alleged to have been made the application must meet the following criteria to advance to the second phase of reconsideration:

- the claim of error is substantiated on a *prima facie* basis; and
- the error has significant material implications.

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If the Commission determines that a full reconsideration is warranted, the second phase begins where the Commission hears arguments on the merits of the application.

The Commission hereby establishes the first phase of reconsideration as a written comment process on whether the Complainants have submitted an application with a reasonable basis to allow a reconsideration. The first phase will be a preliminary examination to assess the application in light of the following questions:

- Should there be a reconsideration by the Commission?
- If there is to be a reconsideration:
    - should the Commission hear new evidence and should new parties be given the opportunity to present evidence?
    - should it focus on the items from the Reconsideration Application, a subset of these items, or additional items?
    - what process should be established for the reconsideration?

The first phase assessment process for the Reconsideration Application will be as follows:

- BC Hydro submits written comments, if any, to the Commission by Wednesday, April 25, 2012, with a copy to legal counsel for the Complainants.
- The Complainants submit a written reply, if any, to the Commission by Wednesday, May 9, 2012.

Written comments in the first phase should address whether the threshold for reconsideration has been met, rather than the substance of the issues. Following the completion of this written comment process, the Commission will determine whether or not a reconsideration should proceed. If the reconsideration proceeds to the second phase, the parties will be allowed to address the substance of the issues that the Commission approves for reconsideration.

Yours truly,

Alanna Gillis

AG/cms
Enclosures