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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-17-13**

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**IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473**

and

**An Application by FortisBC Inc.
for a Certificate of Public Convenience and Necessity
for the Advanced Metering Infrastructure Project
Updated Amended Regulatory Timetable**

BEFORE: L.F. Kelsey, Commissioner
D.M. Morton, Commissioner February 1, 2013
N.E. MacMurchy, Commissioner

ORDER

WHEREAS:

- A. By Order G-177-12, dated November 23, 2012, the British Columbia Utilities Commission (Commission) established an Amended Regulatory Timetable for the Application. The Order included, among other things, the following Directives;
- 2 The review of the Application will proceed by a combination of a written and an oral hearing, divided as follows;
 - i. Financial, operations, fire safety and privacy issues will be reviewed by way of the written process.
 - ii. Health, security and environmental issues will be reviewed by way of the oral hearing.
 - 5 The request for a third round of Information Requests is denied at this time. An Intervener may renew its request for a third round of Information Requests following the filing of FortisBC's responses to Commission and Intervener Requests No. 2. Any such request is to be made no later than Friday, December 21, 2012,
 - 6 The date of February 26, 2013 for a second Procedural Conference is a placeholder date only. The Commission will determine at a later date whether a second Procedural Conference is required;
- B. On December 21, 2012, four Interveners, Citizens for Safe Technology Society (CSTS), Regional District of Central Kootenay (RDCK), the B.C. Sustainable Energy Association and Sierra Club of British Columbia (BCSEA-SCBC) and the Nelson Creston Green Party Constituency Association (NCGP) provided letters requesting a third round of Information Requests (IR) on specific topics;

- C. The Commission, by letter (Exhibit A-26), established a process to review comments on the need for a third round of IRs;
- D. On January 16, 2013, FortisBC Inc. (FortisBC) submitted written comments against a further round of IRs and stated that it would make a further evidentiary filing;
- E. On January 22, 2013, FortisBC submitted an Evidentiary Filing on Advanced Metering Initiative (AMI) market, technology and North American project costs;
- F. On January 22, 2013, by Order G-12-13, the Commission ordered that it would treat the responses to BCUC IR No.2, questions 19.1, 32.1, and 92.1 as confidential and that Participants, limited to Intervener counsel and Interveners who are publicly elected officials, will be provided access to the confidential materials subject to filing and Undertaking of Confidentiality with FortisBC, in satisfactory form;
- G. As of the date of this Order, five Intervener counsel or Intervener representatives have filed Undertakings of Confidentiality to permit them access to FortisBC's Confidential Responses to Confidential BCUC IR No. 2 which includes the quotation used by FortisBC in its analysis of alternatives for the "wired" Power Line Carrier (PLC) option;
- H. By email dated January 28, 2013, an Intervener representative who signed an Undertaking of Confidentiality inquired if he could ask questions on the Confidential Documents he had received;
- I. The Commission Panel has considered the submissions it has received.

NOW THEREFORE as set out in the Reasons for Decision attached as Appendix B to this Order, the Commission orders as follows:

1. The Further Amended Regulatory Timetable is attached as Appendix A to this Order.
2. A second Procedural Conference will not be held.
3. Intervener requests for a third round of Information Requests is granted, limited to the information provided in FortisBC's January 22, 2013 evidentiary filing on the "wired" market, the absence of a formal request for proposal process and comparative North American project cost estimates.
4. Interveners that qualify pursuant to Order G-12-13 and file an Undertakings of Confidentiality in acceptable form by February 4, 2013 with FortisBC may submit one round of Confidential Information Requests relating to the PLC quotation used in the alternative assessment. Confidential Information Requests are to be made in accordance with section 4 of the Commission's "Document Filing Protocols –Interveners/Interested

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Parties” document which can be found on the Commission’s website and in conformance with the Undertaking of Confidentiality signed by the person delivering the Confidential Information Request.

5. Interveners are to deliver their third round Information Requests and any Confidential Information Requests to FortisBC on or before Friday, February 8, 2013. FortisBC is to deliver its responses to IR No. 3 and any Confidential Information Requests on issues that are the subject of the Oral Hearing on or before Friday, February 22, 2013. FortisBC may file its responses on issues that are not the subject of the written hearing process, on or before March 21, 2013.

DATED at the City of Vancouver, in the Province of British Columbia, this *First* day of February 2013.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachments

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FURTHER AMENDED REGULATORY TIMETABLE

ACTION	DATE (2012)
Commission and Intervener Information Requests No. 2	Friday, November 23
FortisBC Responses to Commission and Intervener Information Requests No. 2	Friday, December 14
	DATE (2013)
Intervener Filed Evidence	Thursday, January 24
Information Requests on Intervener Filed Evidence	Thursday, February 7
Intervener Information Request No. 3	Friday, February 8
Intervener Confidential Information Request No. 1	Friday, February 8
Intervener Responses to Information Requests on Intervener Filed Evidence	Thursday, February 21
FortisBC Responses to Intervener Information Request No. 3	Friday, February 22
FortisBC Responses to Intervener Confidential Information Request No. 1	Friday, February 22
Oral Hearing – Kelowna (final location to be advised)	Monday, March 4 to Friday, March 15
Optional – FortisBC Responses to Intervener Information Request No. 3 (not related to Oral Hearing subject matter)	Thursday, March 21
FortisBC Final Written Submission	Thursday, March 28
Intervener Final Written Submissions	Thursday, April 18
FortisBC Written Reply Submission	Thursday, April 25

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REASONS FOR DECISION

INTRODUCTION

These Reasons for Decision address four matters:

1. A Third Round of Information Requests;
2. Confidential Information Requests;
3. A Second Procedural Conference; and
4. A Further Amended Regulatory Timetable.

1. A Third Round of Information Requests

By Order G-177-12 dated November 23, 2012, the British Columbia Utilities Commission (Commission) denied the requests made by Citizens for Safe Technology Society (CSTS) and the West Kootenay Concerned Citizens (WKCC) for a third round of Information Requests (IRs), but allowed an Intervener to renew its request for a third round of IRs following the filing of FortisBC Inc.'s (FortisBC) responses to Commission and Intervener Requests No. 2. Any requests for a third round of IRs were to be made by December 21, 2012.

On December 21, 2012, the Commission received requests from four Interveners; CSTS, Mr. Andy Shadrack, as an elected representative of Area D in the Regional District Central Kootenay (RDCK), B.C. Sustainable Energy Association and Sierra Club of British Columbia (BCSEA-SCBC) and Nelson-Creston Green Party Constituency Association (NCGP) on specific topics. (Exhibits C9-5, C13-12, C4-10 and C18-8 respectively)

By letter dated January 11, 2013 (Exhibit A-26), the Commission established a process for comments on the need for a third round of IRs. The NCGP was not named in the letter as an Intervener that had also made request for a third round of IRs. By letter January 17, 2013, it reminded the Commission that the NCGP had also requested a third round of IRs in its letter dated December 21, 2012 (Exhibits C18-8 and C18-10).

On January 16, 2013, FortisBC filed its submission opposing a further round of IRs and stated that it would make a further evidentiary filing. (Exhibit B-22)

Five Interveners filed comments in reply to the FortisBC submissions. The British Columbia Pensioners' and Seniors Organization does not consider a third round of IRs essential, but said it would likely participate if the Commission permitted a third round. (Exhibit C3-5) The Commercial Energy Consumers Association of British Columbia does not consider a third round necessary. (Exhibit C17-11)

BCSEA-SCBC submits there should be a further round of IRs on the evidence that FortisBC was expected to file the following week "addressing the 'wired' market and the issues with obtaining comparative information in the absence of a formal PLC – specific Request for Proposal process." In its view procedural fairness was engaged on this issue as "parties ought to have an opportunity to test the evidence, either by way of cross-examination during the oral hearing or by way of a round of information requests." (Exhibit B4-12, p. 3)

CSTS bases its submissions for a third round of IRs on grounds of relevance, necessity in the case of the anticipated FortisBC evidentiary filing and its assertion that “the *doctrine of reasonable expectations* demands that a third round of information requests be ordered.” [Emphasis in original.] (Exhibit C9-7 p. 2)

RDCK submits that “the facts have so substantially changed since FortisBC submitted its application on July 26, 2012, and since the first and second round of IRs were submitted on October 26th and November 23rd, that a third round of IRs is warranted.” (Exhibit C-17-11, p. 2)

On January 22, 2013, FortisBC filed its Evidentiary Filing on Advanced Metering Initiative (AMI) market, technology and North American project costs. (Exhibit B-23)

The Panel determines that in the interest of procedural fairness it will allow a third round of Information Requests strictly limited to questions relating to information provided in FortisBC’s January 22, 2013 evidentiary filing on the “wired” market, absence of a formal request for proposal process and comparative North American project cost estimates.

In making this determination the Panel notes that FortisBC opposes a third round of IRs as unproductive and duplicative, referencing approximately 2500 IR’s that FortisBC has so far answered in two rounds of IRs in the Proceeding. FortisBC further states that much of the information requested by the Interveners for the third round of IRs has already been provided or is addressed in its January 22, 2013 evidentiary filing. (Exhibit B-22)

The Panel agrees with FortisBC that it has already provided much of the information requested by the Interveners as described in its letter. However, the Panel also shares the view of CSTS and BCSEA-SCBC that in the interests of procedural fairness, the other parties ought to have an opportunity to test any new evidence filed or made available by FortisBC.

Intervener Information Request No. 3 is to be delivered to FortisBC on or before Friday, February 8, 2013. FortisBC’s Responses are due on or before Friday, February 22, 2013. FortisBC may respond to any Information Requests related to issues that are the subject of the written hearing process and not the Oral Hearing process on or before Thursday, March 21, 2012.

2. Confidential Information Requests

By Order G-12-13 dated January 22, 2013, the Commission ordered that it would treat the responses to BCUC IR No. 2, questions 19.1, 32.1, and 92.1 as confidential and that Participants, limited to Intervener counsel and Interveners who are publicly elected officials, will be provided access to the confidential materials subject to filing and Undertaking of Confidentiality with FortisBC, in satisfactory form. (Exhibit A -29)

Five Intervener counsel or Intervener representatives have now delivered Undertakings of Confidentiality to FortisBC and filed them with the Commission. One Intervener representative who has executed an Undertaking of Confidentiality has inquired if he could ask questions on the Confidential Documents he has received.

It is the Commission’s practice to allow persons signing Undertakings of Confidentiality to ask Confidential Information Requests on the Confidential Documents to which they have been given access. Therefore, the Commission Panel will allow one round of Confidential Information Requests on questions relating to the PLC estimate used in the alternative assessment.

Confidential Information Requests are to be made in accordance with section 4 of the Commission's "Document Filing Protocols –Interveners/Interested Parties" document which can be found on the Commission's website and in conformance with the Undertaking of Confidentiality signed by the person delivering the Confidential Information Request.

Confidential Information Requests are also to be delivered to FortisBC on or before Friday, February 8, 2013. FortisBC's Responses are due on or before Friday, February 22, 2013.

3. A Second Procedural Conference

The Commission Panel has determined that a second Procedural Conference is unnecessary. It has now granted a third round of Information Requests and a round of Confidential Information Requests. Further, since November 23, 2012 when it set February 26, 2013 as a placeholder date only for a second Procedural Conference in Order G-177-12, it has also denied requests for a suspension of the proceeding and an Intervener's request to make an oral presentation at the Oral Hearing. (Orders G-198-12 and G-11-13) Any further procedural issues that arise can be addressed in writing or at the Oral Hearing.

4. A Further Amended Regulatory Timetable

The Amended Regulatory Timetable for the Application requires further amendment as a result of the decisions made in these Reasons. The Further Amended Regulatory Timetable is attached as Exhibit A to the Order issued concurrently with these reasons.