



**LETTER L-3-13**

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**VIA EMAIL**

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February 15, 2013

**FORTISBC INC. – CPCN FOR THE  
ADVANCED METERING INFRASTRUCTURE PROJECT EXHIBIT A-37**

Mr David Aaron  
Citizens for Safe Technology Society  
Box 479  
Nelson, BC V1L 5R3

Dear Mr. Aaron:

Re: FortisBC Inc.  
Application for a Certificate of Public Convenience and Necessity  
for the Advanced Metering Infrastructure Project  
Citizens for Safe Technology Society Application for Expert Witness Participation via Video-Conference

The BC Utilities Commission has considered the submissions related to expert witness participation via video-conference in the upcoming Advanced Metering Infrastructure oral hearing in Kelowna, BC. The Commission will permit the Citizens for Safe Technology Society (CSTS) to have Martin Blank, Girsh Kumar, Donald Maisch and Karl Maret participate in cross-examination by video-conference at the oral hearing. The Commission notes the health and distance travel issues identified in the CSTS letter dated January 28, 2013, that would prevent these individuals from participating in person as reasons for making this accommodation. The Commission also notes that through a comment process, none of the other participants in the Proceeding, including FortisBC Inc. (FortisBC), objected to these witnesses participating by video-conference.

In the Reasons for Decision to Order G-177-12, the Commission Panel stated that "To the extent that the Commission Panel approves the use of video-conferencing for cross-examination of certain experts, the Intervener will be responsible for ensuring (in advance of the hearing) that the hearing video equipment and the equipment in the location where the witness or witnesses are situated are technically compatible." As further clarification, in the event that video or audio quality issues arise while a CSTS witness is giving his evidence, the Commission Panel will determine, following submissions, whether it should continue to hear the evidence of that witness and the weight, if any, to be given to the evidence of the witness to that point.

The instructions pursuant to Commission letter dated January 10, 2013 (Exhibit A-25) apply equally to this accommodation for video-conferencing. Scheduling of all witness panels and the order of cross-examination is the responsibility of Commission Counsel. Also, non Media members of the public will not be allowed to take photographs or make audio or video recordings at the oral hearing.

**Background:**

On January 21, 2013, the Commission issued a letter seeking submissions from Interveners of any witnesses that would require participation by video-conference for cross-examination.

On January 28, 2013, the CSTS submitted a list of prospective expert witnesses including availability and requests for certain witnesses to be able to participate by video conference (Exhibit C9-9) in the oral hearing to be held in Kelowna, BC.

On February 5, 2013, the Commission issued a letter (Exhibit A-33) requesting comments from other participants in the Proceeding on the CSTS submission by February 7, 2013. CSTS could reply by February 12, 2013 to any participant comments though chose not to.

On February 7, 2013, FortisBC submitted a letter (Exhibit B-25) stating its intention to cross-examine at least three CSTS witnesses: Dr. Blank, Dr. Carpenter and Dr. Maret. FortisBC states it does not object to Dr. Blank and Dr. Maret's participation by video-conference; however, it does object to testimony as part of an expert panel if attending by video-conference. FortisBC states its understanding from the CSTS submission that Dr. Carpenter is available to attend in person and according to ordinary practice, should do so. FortisBC takes no position on the medium used for video-conferencing but stresses the need to ensure video and audio quality is maintained. Finally, FortisBC raises the issue that any video-conferencing be subject to the same provisions expressed in Exhibit A-25 relating to no recording or broadcast without Commission Panel leave to do so.

Five Interveners in the Proceeding expressed support for CSTS to be able to include expert witnesses by video-conference. (BCSI [Exhibit C1-7], Jerry Flynn [Exhibit C6-11], Keith Miles [Exhibit C11-8], RDCK [Exhibit C13-21], NCGP [Exhibit C18-11])

Yours truly,

Erica Hamilton

JTS/cms

cc: Registered Interveners  
FBC-AMI