



**ORDER NUMBER
G-235-21**

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

British Columbia Hydro and Power Authority
Public Electric Vehicle Fast Charging Service Rates Application

BEFORE:

D. M. Morton, Panel Chair
A. K. Fung, QC, Commissioner
E. B. Lockhart, Commissioner

on August 9, 2021

ORDER

WHEREAS:

- A. On March 5, 2021, British Columbia Hydro and Power Authority (BC Hydro) applied to the British Columbia Utilities Commission (BCUC) for approval of the BC Hydro Public Electric Vehicle (EV) Fast Charging Service Rates Application (Application) pursuant to sections 59 to 61 and 90 of the *Utilities Commission Act* (UCA);
- B. In the Application, BC Hydro seeks BCUC approvals, on both an interim and a permanent basis, of time-based rates (collectively, Proposed Rates) as set out in:
 - i. Rate Schedule 1360 for fast charging service at 25 kW stations at \$0.12 per minute;
 - ii. Rate Schedule 1560 for fast charging service at 50 kW stations at \$0.21 per minute; and
 - iii. Rate Schedule 1561 for fast charging service at 100 kW stations at \$0.27 per minute;
- C. By Order G-89-21 dated March 23, 2021, the BCUC approved the Proposed Rates on an interim basis effective May 1, 2021. The BCUC will determine the manner by which any variance between the approved interim rates and permanent rates, including interest if any, will be refunded to or collected from customers or a class or classes of customers at the time the BCUC renders its final decision on the Application;
- D. By Orders G-89-21 and G-176-21, the BCUC established a regulatory timetable for the review of the Application, including one round of written information requests (IR) to BC Hydro, intervenor evidence, and a Streamlined Review Process (SRP);
- E. In accordance with Order G-176-21, the SRP was held on July 27, 28 and 29, 2021. Participants at the SRP provided submissions regarding further process for the review of the Application; and
- F. The Panel has considered the submissions provided by the participants at the SRP and has determined that further process in the regulatory timetable is warranted.

NOW THEREFORE for reasons attached as Appendix A to this order, the BCUC orders as follows:

1. A further regulatory timetable is established for the review of the Application, attached as Appendix B to this order.
2. BC Hydro is directed to provide responses to questions 10.1, 14.3, 18.1, 18.2, 23.1, 23.2 and the full 25.0 series contained in Exhibit A-13 as undertakings in accordance with the regulatory timetable set out in Appendix B to this order.
3. Any party who wishes to request further process to test Exhibit B-14-1 and the undertakings that the BCUC directed BC Hydro to provide relating to the unanswered questions in Exhibit A-13 may file such request by Thursday, August 26, 2021.
4. BC Hydro oral final argument will be held on Thursday, September 23, 2021 commencing at 1:30 p.m., Pacific Time. Detailed instructions regarding the BC Hydro oral final argument will be provided in due course.

DATED at the City of Vancouver, in the Province of British Columbia, this 9th day of August 2021.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachments

British Columbia Hydro and Power Authority
Public Electric Vehicle Fast Charging Service Rates Application

REASONS FOR DECISION

1.0 Background

By Order G-176-21 dated June 4, 2021, the British Columbia Utilities Commission (BCUC) established further process for the review of the British Columbia Hydro and Power Authority (BC Hydro) application for approval of BC Hydro's Public Electric Vehicle (EV) Fast Charging Service Rates (Application). Among other matters, the regulatory timetable established by the BCUC in Order G-176-21 scheduled a Streamlined Review Process (SRP). The SRP was held on July 27, 28 and 29, 2021.

For regulatory efficiency, the BCUC and interveners provided written questions to BC Hydro in advance of the SRP for BC Hydro to respond at the SRP.¹ Similarly, participants were also provided the opportunity to file written questions to interveners who filed evidence in advance of the SRP for them to respond at the SRP.² During the SRP, BC Hydro filed a spreadsheet model in support of BC Hydro's various scenarios that were presented as part of its responses to SRP questions.³

At the conclusion of the public portion of the SRP, the Panel sought submissions from the SRP participants regarding further process for the review of the Application.

2.0 Submissions Regarding Further Process

The Panel received submissions on further process from the following parties at the SRP:

- BC Hydro
- Donald Flintoff (Flintoff)
- Suncor Energy Services Inc. (Suncor)
- ChargePoint
- B.C. Sustainable Energy Association and Vancouver Electric Vehicle Association (BCSEA-VEVA)
- The Commercial Energy Association of British Columbia (the CEC)
- BC Old Age Pensioners' Organization et al. (BCOAPO)
- Residential Consumer Intervener Association (RCIA)
- BCUC Staff

In these reasons, the Panel addresses the following matters:

1. Whether the evidentiary record should now close.
2. The format and timing of the final arguments phase.

¹ Exhibit A-13, A-15, C3-5, C4-4, C5-4, C6-4, C6-6, C7-6, C12-5, C12-8 and C20-5.

² Exhibit A-16, A-17, A-18, A-19, C3-8 and C14-7.

³ Exhibit B-14-1.

2.1 Evidentiary Record

BC Hydro submits that further process for the evidentiary record is not necessary, the record for this proceeding should close after the SRP and the proceeding should move onto final arguments.⁴ Flintoff, BCSEA-VEVA, and RCIA submit that they have no further questions for BC Hydro.⁵ However, the CEC, BCOAPO and BCUC staff propose that further process may be appropriate.⁶ Suncor and ChargePoint have no position on this matter.⁷

The CEC and BCOAPO view that the evidentiary record should continue because BC Hydro has not provided sufficient evidence to support its Application that the rates proposed are non-discriminatory, just and reasonable.⁸ The CEC suggests that the BCUC consider a negotiated settlement process (NSP) as the CEC views that “there is the opportunity for discussion amongst parties to improve the rate design.”⁹ BC Hydro, Flintoff and BCSEA-VEVA oppose the CEC’s NSP suggestion.¹⁰ BCSEA-VEVA submits the NSP process assumes that there is a “reasonable prospect of achiev[ing] a negotiated settlement and that does not appear to have been established on the record at this point.”¹¹ Final arguments will allow parties to make submissions on whether BC Hydro has made its case for the approval of its Proposed Rates.¹² BC Hydro agrees with BCSEA-VEVA’s reasoning.¹³

BCUC staff requests responses to questions pre-filed in advance of the SRP in Exhibit A-13. These questions relate to certain supporting calculations for the Proposed Rates, restating the Proposed Rates based on hypothetical scenarios and sensitivity analysis. Particularly, these questions are 10.1, 14.3, 18.1, 18.2, 23.1, 23.2 and the full 25.0 series contained in Exhibit A-13.¹⁴ BCSEA-VEVA is concerned about the BCUC staff requests because there is no opportunity for interveners to test the new information filed via undertakings.¹⁵ BC Hydro views that BCUC’s staff request should be denied and states¹⁶:

... they were a number of questions that sought analytical work that were not consistent with what the streamlined review process guidelines speak of when they talk about pre- SRP questions.

... those type of questions are information requests that had a second round of information requests been allowed that could have been provided, but they weren't and so we think the request should be denied.

Panel Determination

BC Hydro is directed to provide responses to questions 10.1, 14.3, 18.1, 18.2, 23.1, 23.2 and the full 25.0 series contained in Exhibit A-13 as undertakings in accordance with the regulatory timetable set out in Appendix B to this Order G-235-21.

⁴ Transcript Volume 3, p. 592.

⁵ Transcript Volume 3, pp. 594, 596, 601 and 609.

⁶ Transcript Volume 3, pp. 597–598, 600 and 602.

⁷ Transcript Volume 3, pp. 594 and 596.

⁸ Transcript Volume 3, pp. 597–598 and 600.

⁹ Transcript Volume 3, p. 598.

¹⁰ Transcript Volume 3, pp. 603, 608 and 610.

¹¹ Transcript Volume 3, p. 603.

¹² Transcript Volume 3, p. 603.

¹³ Transcript Volume 3, p. 610.

¹⁴ Transcript Volume 3, p. 602.

¹⁵ Transcript Volume 3, pp. 605–606.

¹⁶ Transcript Volume 3, pp. 611–612.

The Panel has considered the materiality and procedural fairness of directing BC Hydro to answer the pre-filed SRP questions as noted above. Evidence that may affect the Panel's decision to set rates pursuant to sections 59 to 61 of the *Utilities Commission Act* should be presented on the record, which includes responses to scenario testing questions. At the same time, the Panel recognizes the importance of procedural fairness and, as indicated by the Panel Chair at the SRP, the Panel will ensure that there is an opportunity for parties to review BC Hydro's answers and comment on whether any further process is required.¹⁷

With respect to BC Hydro's submission regarding how advance questions were presented, the Panel notes that the intent of having pre-filed SRP questions is for the respondent to effectively prepare for the responses. BC Hydro received advance questions from the BCUC and interveners two weeks prior to the SRP and BC Hydro submitted a filing on July 23, 2021 before the SRP commenced.¹⁸ This filing includes an updated jurisdictional review of fast charging rates which was a practical reference for participants at the SRP. BC Hydro could have adopted a similar approach to address scenario testing questions. Therefore, the Panel disagrees with BC Hydro that the presentation of questions would be a factor as to whether a question deserves an answer or not, especially when questions were posed to BC Hydro two weeks in advance of the SRP.

Other than the remaining questions in Exhibit A-13, the Panel notes that parties did not have an opportunity to test BC Hydro's spreadsheet model (Exhibit B-14-1) that was filed by BC Hydro on the third day of the SRP. Therefore, **any party who wishes to request further process to test Exhibit B-14-1 and the undertakings that the BCUC directed BC Hydro to provide relating to the unanswered questions in Exhibit A-13 may file such request by Thursday, August 26, 2021.** The request must explain the nature of questions the party wishes to pursue and the desired format to test the new information (i.e., written, oral or some combination). If there are no requests for further process, then the regulatory timetable will proceed to final arguments in accordance with Appendix B of this Order G-235-21.

Regarding the CEC's suggestion for a NSP, the Panel is not convinced that a NSP is appropriate for this proceeding given the lack of support from BC Hydro and other interveners. The Panel agrees with BCSEA-VEVA that final arguments would be the appropriate time for BC Hydro and interveners to provide their positions on the Application.

2.2 Format and Timing of Final Arguments

All interveners who made submissions regarding further process at the SRP indicated their preference for a written argument process.¹⁹ For instance, Suncor prefers intervenor arguments in writing because "in part due to the large evidentiary record that exists" and it may be helpful for parties to know the references.²⁰ BCSEA-VEVA indicates that the Panel may consider providing questions that are of particular interest to the Panel for parties to address in their written final arguments.²¹ BC Hydro submitted that it is amenable to either written or oral arguments and proposes to start the final arguments process on September 10, 2021.²² Intervenors did not express any concerns on BC Hydro's proposed timing.

As part of its submission, BC Hydro suggests an alternative relating to the sequence of filing final arguments. BC Hydro notes that the BCUC may consider having BC Hydro and interveners file their final arguments at the same time, and then all parties will have an opportunity to reply to everybody else. This alternative is different than

¹⁷ Transcript Volume 3, p. 607.

¹⁸ Exhibit B-12 and B-12-1.

¹⁹ Transcript Volume 3, pp. 594–597 and 601.

²⁰ Transcript Volume 3, p. 595.

²¹ Transcript Volume 3, p. 597.

²² Transcript Volume 3, p. 594.

the normal style of argument, where the applicant files its final argument, followed by intervenor final arguments, and the applicant having a final right of reply.²³ Suncor, the CEC, RCIA and Flintoff prefer the normal final argument style.²⁴ Suncor submits that having BC Hydro file its final arguments first would provide clarity on BC Hydro's position.²⁵ ChargePoint and BCSEA-VEVA take no position on this matter.²⁶

Panel Determination

The Panel determines that an oral final argument from BC Hydro followed by intervenor written final argument and BC Hydro written reply argument is warranted. The regulatory timetable for the final argument phase is set out in Appendix B of this Order G-235-21. The Panel views that the BC Hydro oral argument process would be helpful and an efficient way for the Panel to ask any questions of BC Hydro. For example, BC Hydro may provide legal interpretations of the *Clean Energy Act* and Greenhouse Gas Reduction Regulation and oral argument would allow the Panel to seek further clarifications. While intervenors are invited to observe the BC Hydro oral argument session, BC Hydro is only expected to answer the Panel's questions. Intervenors will have the opportunity to file written final arguments. The Panel will provide further instructions if there are any specific matters of interest for BC Hydro and intervenors to address at a later time.

With respect to the sequence of filing final arguments, the Panel is not persuaded that the BC Hydro suggested alternative will be effective in this proceeding. The majority of intervenors prefer the normal style of filing final arguments and none of the intervenors indicate a preference for BC Hydro's alternative in this proceeding. Therefore, the final arguments phase will proceed with BC Hydro oral argument, followed by intervenor written final argument and BC Hydro written reply argument as described above.

²³ Transcript Volume 3, p. 593.

²⁴ Transcript Volume 3, pp. 595, 599, 601 and 608.

²⁵ Transcript Volume 3, p. 595.

²⁶ Transcript Volume 3, pp. 596–597.

British Columbia Hydro and Power Authority
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REGULATORY TIMETABLE

Action	Date (2021)
BC Hydro undertaking on Exhibit A-13	Monday, August 23
Deadline to request further process to test BC Hydro's Exhibit B-14-1 and undertakings on Exhibit A-13	Thursday, August 26
If no additional process, then the regulatory timetable proceeds to final arguments as follows:	
BC Hydro oral final argument*	Thursday, September 23 at 1:30 p.m. Pacific Time
Intervener written final argument	Thursday, October 7
BC Hydro written reply argument	Tuesday, October 19

*Detailed instructions regarding the BC Hydro oral final argument will be provided in due course.