



July 30, 2021

Sent via email

Letter L-30-21

[REDACTED]
Cove Power Society
[REDACTED]

Re: Cove Power Society – Complaint Initiation

Dear [REDACTED]

The British Columbia Utilities Commission (BCUC) received the attached complaint, on July 6, 2021, from a Cove Power Society (CPS) customer (Complainant), regarding CPS's service. In the complaint, the Complainant alleges that CPS is threatening to disconnect their power and discontinue electrical service altogether. Based on the correspondence received from the Complainant, and due to the gravity and timing of this matter, the BCUC will be initiating its complaints process for further review of the matter.

Background

On July 29, 2011, CPS informed the BCUC that it intended to purchase the electrical distribution facilities in Bird's Eye Cove from Bird's Eye Cove Estates Ltd. CPS also requested a letter from the BCUC confirming that CPS would not be considered to be a public utility under *the Utilities Commission Act* (UCA). On September 14, 2011, the BCUC advised CPS that it considered CPS a public utility under the UCA.

By Order in Council No 367 (OIC 367) dated May 31, 2012, the Lieutenant Governor in Council granted advance approval to the BCUC to exempt CPS from the requirements of Part 3 of the UCA, except for certain sections¹ of the UCA. This exemption was to remain in effect until the BCUC ordered otherwise, or following the determination of any complaint it receives from a person whose interests are affected.

As a public utility, CPS has various obligations it must fulfil, including that to provide service to its customers. Under section 38 of the UCA, a public utility must:

- a) *provide and*
- b) *maintain its property and equipment in a condition to enable it to provide, a service to the public that the commission considers is in all respects adequate, safe, efficient, just and reasonable.*

Accordingly, CPS may not refuse to provide service or discontinue service without written approval from the BCUC. Any discontinuation or modification of service must be submitted through an application to the BCUC.

Given the information above, the BCUC requests that CPS suspend the termination of service to the Complainant until the BCUC's complaint review process is complete. Should CPS consider any disconnection in relation to the Complainant, CPS must first notify the BCUC.

¹ 23, 25, 38, 41, 42, 43, 44 and 57.

As part of its complaints process² the BCUC requests CPS to review the attached complaint and provide a response to both the Complainant and the BCUC by **Friday, August 13, 2021**. The CPS response will be provided to the Complainant for review and the opportunity to bring forth any further questions/concerns. Once all relevant information has been provided by the parties, the BCUC will proceed with its review. The BCUC reviews all the submitted information and determines if CPS was acting within their rights and responsibilities as set forth by the UCA.

Sincerely,

Original signed by Marija Tresoglavic for:

Patrick Wruck
Commission Secretary

AS/dg

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

² <https://www.bcuc.com/consumers/utility-icbc-complaint-process.html>