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British Columbia Utilities Commission
Suite 410, 900 Howe Street
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**Attention: Mr. Patrick Wruck, Commission Secretary and Manager,
Regulatory Services**

Dear Sirs/Mesdames:

**Re: FortisBC Inc. (“FBC”) Rate Design and Rates for Electric Vehicle Direct Current
Fast Charging Service Application – Written Reply Submissions Regarding the
Adjournment of the FBC Proceeding and Interim Rates**

I am acting as counsel for FortisBC Inc. (FBC) in the above-referenced proceeding.

FBC files this written reply submission in accordance with Order G-215-21 regarding the potential adjournment of this proceeding.

All interveners who filed submissions, including CEC, BCOAPO, BCSEA and Mr. Flintoff, agree with FBC that this proceeding should not be adjourned.

FBC submits the following in reply to comments made by Mr. Flintoff:

- Mr. Flintoff submits (at p. 1) that “not all the evidence [re energy-based rates] was presented during the FBC proceeding and additional evidence has been presented in the BC Hydro SRP that may also apply to this proceeding”. As a matter of procedural fairness, the BCUC must make its decision based on the evidentiary record in this proceeding. Therefore, the evidence in BC Hydro’s proceeding does not “apply to this proceeding” as Mr. Flintoff incorrectly suggests. Moreover, the issue of energy-based rates was canvassed in this proceeding and the fact that it is currently illegal under Federal law to implement such rates addresses the issue.
- Mr. Flintoff submits (at p. 1) that FBC’s proposed rates “should be amended to apply only until the DC energy meters are approved by Measurement Canada” or “on an

interim basis until a DC energy meter becomes available in the spring of 2022.” This would not serve any purpose and would be unreasonable, as FBC would not be able to legally implement energy-based rates until after it has Measurement Canada-approved metering in place and, therefore, could not retroactively implement such rates. Further, there would be no purpose to Mr. Flintoff’s proposal as FBC could not calculate the difference between the interim time-based rates and finalized energy-based rates in any case, nor does FBC have a means to refund or recover any differences from individual station users even if it could.

- Mr. Flintoff submits (at p. 2) that the “Panel could order that all costs to be borne by FBC’s ratepayers should appear as a rate rider on their energy bills or be captured in a deferral account to be addressed in a rate hearing.” The intent of Mr. Flintoff’s submission is unclear. FBC is already separately tracking its EV charging station costs pursuant to BCUC direction, the BCUC has already approved that these costs will be subject to deferral treatment under FBC’s approved multi-year ratemaking plan, FBC has proposed an EV charging station rate that will recover FBC’s cost of service on a levelized basis, and section 18 of the *Clean Energy Act* requires the BCUC to allow FBC to recover its costs of its EV charging stations that meet the criteria described in the *Greenhouse Gas Reduction (Clean Energy) Act*.
- Mr. Flintoff submits (at p. 2): “Because the BC Hydro EV survey and its proceeding Comments seem to indicate a strong preference for energy metering, the Panel could direct FBC to prepare an application for energy-based rates to submit when the DC meter is approved by Measurement Canada in the spring of 2022.” FBC reiterates that, as a matter of procedural fairness, the BCUC must make its decision based on the evidence in this proceeding. Therefore, it would be both procedurally unfair and unreasonable to make any determination on FBC’s rates because of a preference of persons commenting on BC Hydro’s rates in the BC Hydro proceeding. Furthermore, FBC has already committed on the record of this proceeding that when Measurement Canada approved metering becomes available, FBC will examine the potential to offer wholly or partially energy-based rates, including whether there are any other impediments to implementing such rates.¹

In its written submission filed August 3, 2021, FBC requested clarification of whether Order G-215-21 authorizes FBC to incorporate the costs and revenues related to its EV charging stations in its revenue requirements. BCOAPO supports FBC’s request for clarification of the approvals granted by Order G-215-21, but submits (at p. 2) that “the scope of EV station costs to be included in the revenue requirement will be impacted by the Commission’s final determination regarding question #4 of the legal interpretation questions set out in Exhibit A-13”.

In reply to BCOAPO, FBC submits that the BCUC’s approval to allow FBC to include in rate base its EV charging station assets that meet the definition of prescribed undertakings in the GGRR resolves question #4 referenced by BCOAPO, in that FBC is approved to recover the full costs of its prescribed undertakings consistent with section 18 of the *Clean Energy Act*. What is

¹ Exhibit B-7, BCUC IR1 7.7; BCSEA IR1 5.1 and 5.2; FBC Final Argument, para. 80.

not clear is whether the BCUC has approved FBC's requested depreciation rates and whether FBC can include all revenues and expenses of its EV charging stations in its regulated accounts as FBC requested.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP

[Original signed by]

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