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October 26, 2021

Jacob Arie and Lydia Stella de Raadt
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British Columbia Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC V6Z 2N3

**Attention: Mr. Patrick Wruck,
Commission Secretary**

Dear Mr. and Ms. de Raadt and Mr. Wruck:

Re: FortisBC Energy Inc. (FEI)

**Application for a Certificate of Public Convenience and Necessity (CPCN) for
Approval of the Advanced Metering Infrastructure (AMI) Project (Application)
Response to Jacob Arie and Lydia Stella de Raadt (de Raadt) Information
Request (IR) No. 1**

On May 5, 2021, FEI filed the Application referenced above. In accordance with the regulatory timetable established in British Columbia Utilities Commission Order G-302-21 for the review of the Application, FEI respectfully submits the attached response to Jacob and Lydia de Raadt's letter dated October 8, 2021 in which they set out certain information requests (IRs) in the above noted Application as well as certain additional commentary and material (Ex. C10-2-1).

While FEI has sought to provide as much responsive information as is practicable to enable a transparent adjudication of the Application, FEI notes various concerns with the content and approach in Ex. C10-2-1.

Exhibit C10-2-1 is, to a significant degree, in the nature of a letter of comment.¹ The "Explanations" sections provided in the document for the IRs express various views that the de Raadts appear to hold. Certain of the IRs themselves embed within them certain underlying assumptions or conclusions that are not in evidence and that FEI should also not be taken to accept.

¹ Rule 8.01.1 of the BCUC's Rules of Practice and Procedure notes: "Due to their active participation in a proceeding and adherence to an established regulatory timetable, interveners are not permitted to file letters of comment, unless requested or otherwise permitted by the BCUC. If an intervener files a letter of comment, the BCUC may disallow the letter of comment unless the intervener requests to change standing."

Further, Exhibit C10-2-1 includes references to and attaches a secondary source document titled “Electromagnetic Hypersensitivity and Human Rights” by Isaac Jamieson, Ph.D. The document is undated, but bears a copyright 2014 marking. It appears to have been published on the author’s website, <http://www.biosustainabledesign.org/>. Exhibit C10-2-1 refers to this document in the “Explanation” section below IR No. 2, which asks “Why are our human rights affected or implicated by this additional EHS pollution creating program that will affect 4% of the population more than others?” The de Raadts state that the 4% figure is based on a note at p. 7 of the article attached to Ex. C10-2-1, which they describe as having “already been submitted as evidence”. (If this is the case, FEI is not aware of it; it does not appear to have been assigned a BCUC exhibit reference.) They go on to refer to the article in support of their assertion that certain “European countries all had much lower maximum thresholds of EMF than what is allowed in North America”. The document is also referred to in the “Explanation” section below de Raadt IR No. 7.

In the respects noted above, Exhibit C-2-1 is contrary to the BCUC’s direction to interveners, in its letter of September 28, 2021 (Ex. A-15), regarding the appropriate style and substance of IRs under Rules 13.01-13.02 of the *Rules and Practice and Procedure*. In particular, the BCUC stated as follows:

The BCUC reminds all interveners that the purpose of IRs is not to enable the author of the IR to introduce evidence. The purpose of IRs is to elicit relevant information on the evidentiary record or to clarify or test existing evidence to contribute to a better understanding by the BCUC of the relevant issues in the proceeding. Any statements that are included in the preamble to an IR should be restricted to providing context for a question relevant to the proceeding submitted by the party to whom the IR is directed.

Finally, whereas letters of comment are intended to provide for any member of the public to contribute views, opinions, and impact or potential impact, with respect to a matter before the BCUC, IRs must not be letters of comment.

FEI further notes that in granting intervener status to Mr. and Ms. de Raadt (Ex. A-12), the BCUC stated that the “request to intervene is accepted on the ground of being ‘directly or sufficiently affected by the Commission’s decision in this matter’ rather than on the ground of ‘experience, information, or expertise relevant to this matter that would contribute to the Commission’s decision making’”, and further stated that “the Panel does not anticipate needing [Mr. and Ms. de Raadt’s] experience, information or expertise for its decision making in this proceeding.”

Specifically with respect to Dr. Jamieson, FEI also notes that the Panel in the FortisBC Inc. AMI proceeding noted as follows on p. 23 of its July 2013 decision:

Dr. Jamieson provided an extensive report entitled “Comments on Health, Human Rights, Environmental and Security Concerns” which is marked as Exhibit C-10-1.

With regard to Dr. Jamieson’s evidence on Human Rights, the Panel notes the caveat placed on his expertise noting that he was not an expert on the law, and therefore no weight is given to this portion of his evidence.

At pp. 23-24, the Commission also expressed other concerns with the evidence of Dr. Jamieson in that earlier proceeding.

Notwithstanding that Exhibit C10-2-1 contravenes the BCUC’s directions regarding IRs in Exhibit A-15, and despite the BCUC’s comment on certain material from Dr. Jamieson in the FortisBC Inc. AMI proceeding as set out above, FEI has provided a response to the de Raadt IRs. As noted above, FEI’s objective in doing so is to enable a transparent and fulsome adjudication of the Application. However, in providing responses to these IRs, FEI should not be taken as accepting that the secondary source documents, references, extracts, “explanations” or embedded assumptions or comments in Ex. C10-2-1 should be or are properly part of the evidentiary record in this proceeding, nor does FEI waive the right to object to responding to future or other IRs that contravene the BCUC’s directions in Ex. A-15.

In addition, IR No. 7 in Ex. C10-2-1, in the “Explanation” section below the information request, includes arguments regarding the BCUC’s use and reliance on the evidence of Exponent’s Dr. William Bailey in this proceeding, asserting that Dr. Bailey’s evidence “ought to be **ignored** or (preferably) **thrown out** in the decision making process” (boldface in original). This is clearly inappropriate content for IRs under the BCUC’s *Rules and Practice and Procedure* and should be disregarded by the BCUC.

If further information is required, please contact the undersigned.

Sincerely,

FORTISBC ENERGY INC.

Original signed:

Diane Roy

Attachments

cc (email only): Registered Parties



FortisBC Energy Inc. (FEI or the Company) Application for a Certificate of Public Convenience and Necessity (CPCN) for Approval of the Advanced Metering Infrastructure (AMI) Project (Application)	Submission Date: October 26, 2021
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1 1. **After having assured us that FortisBC Natural Gas was not going to change the**
2 **metering for the delivery of natural gas to our rural property more than 8 years ago,**
3 **please explain what has changed since then, so that a compulsory change over**
4 **from analog meters to smartmeters is envisaged? What is the rationale?**

5
6 **Response:**

7 Please refer to the response to BCSEA IR1 6.1 for a discussion of why the AMI Project is needed
8 now. Please also refer to Section 5.8.4 of the Application where FEI has proposed to offer an
9 opt-out option for customers who choose to have the radio in the AMI meter at their premises
10 turned off.

11

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1 2. **Why are our human rights affected or implicated by this additional EHS pollution**
2 **creating program that will affect 4% of the population more than others?**

3 **(Explanation:** The “4%” is based on a note on **page 7 of 13** in the study that has already
4 been submitted as evidence, called “Electromagnetic Hypersensitivity & Human Rights”:

5 *“It is estimated that between 3% to 5% of Europeans (around 22.3 million to 37.1 million*
6 *individuals) may presently be affected by EHS. This number is growing (Jamieson 2014)”.*

7 These European countries all had (and have) much lower maximum thresholds of EMF
8 than what is allowed in North America, see graph on **page 2 of 13** - and “*the number was*
9 *growing*” there, so that a more than 5% of Canadian residents may already be affected by
10 EHS.)

10

11 **Response:**

12 The information requests provided by Jacob Arie and Lydia Stella de Raadt contain a number of
13 statements and inaccuracies with which FEI does not agree. With respect to this rhetorical
14 question, FEI is unaware of any credible evidence either on the record in this proceeding, or in
15 the public domain that its proposed AMI Project is affecting or implicating its customers’ “human
16 rights”.

17 Please also refer to the response to de Raadt IR1 3 and to the Decision of the British Columbia
18 Utilities Commission approving the CPCN application of FortisBC Inc. (FBC) (Order C-7-13),
19 where the Panel noted at p. 137:

20 The Panel recognizes that there are individuals who feel strongly that low-level EMF
21 emissions will have a negative impact on their health. However based on the scientific
22 evidence in this Proceeding, the Panel is not persuaded that there is a causal link between
23 RF emissions and the symptoms of EHS. The Panel notes that according to the World
24 Health Organization, there is “no scientific basis to link EHS symptoms to EMF exposure.”
25 While the Panel ascribes little weight to Dr. Carpenter’s evidence, it is noted that he
26 acknowledged that although EHS symptoms are reported to be associated with EMF
27 exposure, whether this relationship is causal is widely debated.

28 FEI also notes that the “Explanation” accompanying de Raadt IR1 2 refers to “the study that has
29 already been submitted as evidence, called ‘Electromagnetic Hypersensitivity & Human Rights’”.
30 FEI is not aware of this document having been entered into evidence in this proceeding. It appears
31 to be a document prepared or collated by Dr. Isaac Jamieson, an individual who provided
32 evidence during the FBC CPCN application. The Panel noted at pp. 22-23 of its Decision on that
33 application that “[a] caveat was placed on his expertise noting that he was not an expert on the
34 law”, and it continued, “With regard to Dr. Jamieson’s evidence on Human Rights, the Panel notes
35 the caveat placed on his expertise noting that he was not an expert on the law, and therefore no
36 weight is given to this portion of his evidence.” The Panel also expressed certain other concerns
37 with Dr. Jamieson’s evidence more broadly (pp. 22-24).

38

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1 3. **Would you agree that if EHS were as common as a peanut allergy among the**
2 **population, an application like this would obviously not be allowed?**

3 **(Explanation:** EHS = (say) **5%** - see Q.1 - vs. Peanut allergy = **± 0.6%**, using the USA
4 number. From Wikipedia: “In the United States, peanut allergy is present in 0.6% of the
5 population. Peanut allergy is one of the most dangerous food allergies, and one of the
6 least likely to be outgrown. In Western countries, the incidence of peanut allergy is
7 between **1.5% and 3%**.

8 There has been a sudden increase in number of cases in the early 21st century. It is one
9 of the most common causes of food-related deaths.” **We all know that if a single child**
10 **in a school class has a peanut allergy, the whole class will never see a peanut snack**
11 **or anything with peanut butter.)**

12
13 **Response:**

14 This response has been provided by Exponent.

15 The symptoms referred to as electromagnetic hypersensitivity (EHS) are not known to result from
16 electromagnetic fields or involve the immunologic mechanisms that are involved in responses to
17 chemicals (natural or man-made), including those that are caused by exposure to peanuts in
18 some persons. So there is no scientific basis for the premise of the question.

19



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1 4. **How does this program support or avoid Canadian manufactured products and**
2 **those of NAFTA partners and other foreign economies?**

3 **(Explanation:** This is not solely a question on where these smartmeters will be
4 manufactured or assembled, but is of a much wider scope, as it also implies that many
5 North American built and perfectly operating analog meters will be thrown out and away,
6 which is a complete loss to Canada as a whole, except on the books of the Applicant,
7 where it will most likely be shown as a business loss, for income tax purposes.
8 Unfortunately, Canada allows this to happen over and over and over: Avro, BC fast ferries,
9 you name it. Our former FortisBC Electricity meter was Canadian built, our FortisBC
10 Natural Gas meter is a Sensus. The scrapping of these (like the analog electric meters) is
11 another type of unnecessary pollution; if not here, perhaps in the Philippines ...)

12
13 **Response:**

14 As detailed in Section 8.2 of the Application, the AMI Project supports a number of the Province's
15 energy objectives, which are defined in section 2 of the *Clean Energy Act*. In particular, energy
16 objective (k) states, "to encourage the economic development and the creation and retention of
17 jobs". The Project will create jobs in BC through FEI's contractors, and result in the procurement
18 of goods and services from locally-owned and operated vendors and subcontractors. In addition,
19 FEI anticipates an increase in the use of local services, such as dining, accommodations and
20 other services, during deployment, which will also have economic benefits.

21

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1 5. **How would the Applicant do the installation of a smartmeter that is attached to our**
2 **off-grid house, without committing a criminal offence by an involuntary trespass?**

3 **(Explanation:** Section 2 – seen with Sections 3 and 4 – of British Columbia’s **Trespass**
4 **Act [RSBC 2018] CHAPTER 3** seems to prohibit this action, if we as property owners do
5 not want the Applicant to make a change.)
6

7 **Response:**

8 As set out in FEI’s Gas Tariff General Terms and Conditions (GT&Cs) of its Tariff¹, a person
9 becomes a customer of FEI when FEI provides gas service to the person. A person who is being
10 provided service by FEI will be served in accordance with FEI’s GT&Cs, including at Section 14
11 of the GT&C which sets out FEI will have the right of entry to the Customer’s premises (Section
12 14.1 Access to Premises) and that the customer must provide clear access to FEI’s equipment
13 (Section 14.2 Access to Equipment). The gas meter is part of FEI’s equipment. Section 14 of
14 FEI’s GT&Cs is provided below for reference.

15 14. Access to Premises and Equipment

16 14.1 Access to Premises

17 FortisBC Energy will have a right of entry to the Customer's Premises. The
18 Customer must provide free access to its Premises at all reasonable times to
19 FortisBC Energy's authorized employees, contractors and agents for the purpose
20 of reading, testing, repairing or removing meters and ancillary equipment, turning
21 Gas on or off, completing system leakage surveys, stopping leaks, examining
22 pipes, connections, fittings and appliances and reviewing the use made of Gas
23 delivered to the Customer, or for any other related purpose which FortisBC Energy
24 requires.

25 14.2 Access to Equipment

26 The Customer must provide clear access to FortisBC Energy's equipment. The
27 equipment installed by FortisBC Energy on the Customer's Premises will remain
28 the property of FortisBC Energy and may be removed by FortisBC Energy upon
29 termination of Service.

30 14.3 Installation of Remote Meter

31 If a Customer fails to provide FortisBC Energy with access to the Customer’s
32 Premises as set out in Section 14.1 (Access to Premises) or to FortisBC Energy’s
33 equipment as set out in Section 14.2 (Access to Equipment), FortisBC Energy will
34 be authorized to install a remote meter. The Customer will be responsible for

¹ FEI’s GT&Cs can be found on its website at the following link: <https://www.fortisbc.com/about-us/corporate-information/regulatory-affairs/our-gas-utility/FortisBC-Energy-Inc.-Mainland-Vancouver-Island-and-Whistler-service-areas>.



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1 FortisBC Energy's full costs (including overheads) associated with installing and
2 maintaining the remote meter.

3 Currently, all customers must routinely provide access to FEI's meters for manual reading
4 purposes, except for the few customer sites which have remote reading capability.
5 Following the completion of the AMI Project, only customers who choose to opt-out (i.e.,
6 radio-off customers) would need to have their premises accessed for meter reading
7 purposes. As such, the AMI Project will result in a dramatic reduction in the need for FEI
8 to access customer premises on a routine basis.

9

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1 6. **Isn't the imposition of additional Electromagnetic radiation on our property, on a**
2 **24/365 basis, which causes bodily harm in the short, medium or even long term for**
3 **many people, basically the same as insisting on the use of lead paint, asbestos,**
4 **DDT, arsenic, mustard gas, or even (politically motivated) a cyanide-based pesticide**
5 **called Zyklon B? Additionally: Have we as society not advanced (pun intended) with**
6 **technology so that we can simply avoid or ban such bodily harm causing**
7 **substances, particles or waves, before illnesses and deaths are caused ?**
8

9 **Response:**

10 This response is provided by Exponent.

11 There is no body of scientific evidence that confirms that RF exposure at the level produced by a
12 typical SonixIQ gas meter is harmful. For example, the potential exposure level at 1 metre from
13 a smart meter inside the home ($1.1 \times 10^{-5} \mu\text{W}/\text{cm}^2$) is approximately 24 million times below Health
14 Canada's SC6 Reference Level for the general public at which there are no confirmed health
15 effects. Further, the longest duration of exposure of a person standing for 24 hours at 1 metre in
16 front of this gas meter is only about 0.34 seconds.

17 In contrast, all the substances listed (lead paint, asbestos, DDT, arsenic, mustard gas, cyanide,
18 Zyklon B) are acknowledged to be toxic even at levels that are commonly found.

19

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1 7. **Further to Questions 2 and 3 above, our first supplementary question is: Would the**
2 **Commission not be showing “willful blindness” about (a) the obvious dangers of**
3 **another level of increased electromagnetic fields in North America, compared to**
4 **those in Europe, and also (b) additional about the clients of FortisBC Natural Gas**
5 **suffering, more as a result?**

6 (Explanation: Two arguments by the Applicant are foreseen. (a) What is considered a
7 “Human Right” in Europe, is not necessarily a “Human Right” in **Canada**, as defined in
8 the Canadian Charter of Rights and Freedoms, and also (b) that dr. Isaac A. Jamieson’s
9 report (and the work by many others in Europe, is “null and void” for the Commission. (See
10 the References on the last page, which we already sent to you before.) But to counter
11 these views: If so, **how can the Commission ignore the growing international body**
12 **of knowledge** (and we mean true, “**independent**” science) that has since 2014 become
13 even more overwhelmingly leading toward using the “**precautionary principle**”, while
14 industry (it seems) continues to base its arguments and products on their own paid
15 “**dependent**” “**science**” from the previous century (or millennium), which has already
16 been “thrown out as **fake science**” in Europe. That is why the Applicant’s evidence by
17 “expert” dr. William Bailey ought to be **ignored** or (preferably) **thrown out** in the decision
18 making process. Doing anything else would clearly be the “**willful blindness**” as
19 described in the Supreme Court of Canada by Mr. Justice Sopinka. Electromagnetic fields
20 know no political boundaries, and are the same all over the world. Being hypersensitive to
21 them also knows no boundaries. Interfering with our relative liberty from electromagnetic
22 forces is a human rights issue. The **Universal Declaration of Human Rights (1948)** was
23 signed by Canada, and that is what the Commission ought to consider in 2021. From
24 Wikipedia, the following:

25 https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights#endnote_a
26 “**Despite the central role played by the Canadian John Peters Humphrey, the**
27 **Canadian Government at first abstained from voting on the Declaration's draft, but**
28 **later voted in favour of the final draft in the General Assembly.**”

29
30 **Response:**

31 Please refer to the responses to de Raadt IR1 2 and 3.
32