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October 26, 2021

Marcus Schluschen – EMF Consulting
P.O. Box, 953
Gold River, BC
V0P 1G0

British Columbia Utilities Commission
Suite 410, 900 Howe Street
Vancouver, BC V6Z 2N3

Attention: Mr. Patrick Wruck, Commission Secretary

Dear Mr. Schluschen and Mr. Wruck:

Re: FortisBC Energy Inc. (FEI)

Project No. 1599211

Application for a Certificate of Public Convenience and Necessity (CPCN) for Approval of the Advanced Metering Infrastructure (AMI) Project (Application)

Response to Marcus Schluschen (Schluschen) 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 Mr. Schluschen's letter dated September 20, 2021 submitting certain information requests (IRs) in the above noted Application (Ex. C9-2).

Exhibit C9-2 includes references to and excerpts from various secondary source documents, as well as Mr. Schluschen's comments on various topics including, for example, his "Personal Experience with EHS", his "Observations as EMF Consultant", and "Corporate Misinformation".

In FEI's view, Ex. C9-2 is mostly in the nature of a letter of comment.¹ The first sentence of the document states, "As a certified EMF consultant, I like to comment on Fortis 'advanced' gas meters, especially their microwave radiation components, which will further densify, already far to high, involuntary radiation exposure, in our communities." (underlining added).

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."

Exhibit C9-2 is in many respects 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 intervenor status to Mr. Schluschen (Ex. A-11), 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. Schluschen's] experience, information or expertise for its decision making in this proceeding."

Further, Ex. C9-2 makes various statements that are simply ad hominem attacks against Exponent and Dr. William Bailey's professionalism and ethics. These portions of Mr. Schluschen's letter are contrary to Rule 10.01, which provides that, "Intervenors are expected to participate actively, responsibly and respectfully for the duration of the proceeding", as well as Rule 8.07, which provides that letters of comment are not to contain "personal attacks".

FEI has nonetheless attempted to extract and respond to such questions or inquiries in Ex. C9-2 as could be reasonably interpreted as being IRs. FEI's objective in doing so is to provide as much responsive information to Mr. Schluschen and other intervenors as is practicable to enable a transparent adjudication of the Application. However, in doing so FEI should not be taken as accepting that secondary source references, comments and extracts in Ex. C9-2 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.

FEI has not attempted to respond to each portion of Ex. C9-2 other than, as described above, insofar as it may be considered a question or inquiry. FEI's silence on a particular point should in no way be taken as agreement with the substance of that point.

FEI also takes this opportunity to acknowledge that Mr. Schluschen delivered a further letter to the BCUC, FEI, and some interveners on September 20, 2021 subsequent to delivery of Ex. C9-2. To FEI's knowledge, the BCUC has (appropriately) not posted Mr. Schluschen's follow-up letter, which is characterized by many of the problems outlined above, to its website or assigned the letter an exhibit number in this proceeding. FEI simply notes that if that situation changes, it will require an opportunity to respond, including because Mr. Schluschen's follow-up letter both mischaracterizes a referenced court decision and in any event attributes to it a significance that it does not have.

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 **7. Microwave Transmitters**

2 How many microwave transmitters are involved in Fortis advanced gas meters?

3 Inside the units.

4 Outside the units.

5

6 **Response:**

7 The AMI meters have a single radio transmitter inside the unit. The meter does not have any
8 radio transmitters outside the unit.

9



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1 **8. Batteries**

2 What kind of batteries are used inside the Fortis advanced gas meters?

3

4 **Response:**

5 Please refer to the response to BCSEA IR1 33.1.

6

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1 **9. Gas Explosions**

2 Has any one of you, ever witnessed the devastation of a house, gas explosion?

3
4 **Response:**

5 The events described in the question are almost exclusively caused by damage to gas piping,
6 appliance failures, or appliances with the gas flow control unintentionally left open in the customer
7 premises downstream of the meter. The ability to detect both large and small downstream leaks,
8 faulty appliances, or other unintended gas flows that could cause safety risks to customers, is one
9 of many benefits that will result from the AMI Project. As such, the Project will increase safety for
10 customers when compared to current manual reading practices.

11 Further, FEI will not compromise employee and public safety, and strives for excellence in safety
12 by:

- 13 • complying with safety legislation, and operating in accordance with accepted industry
14 practices and standards, and requiring the same of its contractors;
- 15 • identifying and managing operational hazards, and minimizing risks that have the potential
16 for adverse consequences;
- 17 • training employees to be aware of and meet their safety responsibilities;
- 18 • communicating openly with employees, the general public and all stakeholders about its
19 activities and the potential impacts on our safety;
- 20 • supporting community-oriented safety initiatives and programs; and
- 21 • reviewing its safety policy on a regular basis, regularly monitoring its safety performance,
22 and striving for continual improvement.

23



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1 **12. Clean Energy Act**

2 Do these radio frequency transmitting, Fortis advanced gas meters, fall under the dubious
3 distinction of the Clean Energy Act?

4
5 **Response:**

6 Section 8.2 of the Application (Exhibit B-1) sets out in detail how the Project is consistent with
7 British Columbia’s energy objectives, which are defined in section 2 of the *Clean Energy Act*
8 (CEA). Please also refer to the response to BCSEA IR1 31.1 with respect to section 17 of the
9 CEA, which refers to applications related to smart meters and other advanced meters. The
10 advanced meters to which the Project relates fall within section 17(6) of the CEA. FEI does not
11 agree that compliance with the CEA is a “dubious distinction”.

12