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BY EMAIL

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

Attention: Mr. Patrick Wruck, Commission Secretary

Dear Mr. Wruck:

Re: FortisBC Energy Inc. (FEI)

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

We are counsel for FEI on the Application. We write further to the invitation of the British Columbia Utilities Commission (**BCUC**) in Exhibit A-21 for submissions in response to the December 16 request of the Coalition for the Reduction of Electropollution (**CORE**) for a three-week extension of time to submit second round information requests (**IRs**) to FEI (Exhibit C7-7).

CORE describes the December 22 deadline that the Panel set in Order G-365-21 to be “unreasonable”. We do not agree with this characterization and, in that regard, note the following:

- The Panel set the same deadline for the BCUC itself, as well as all participants.
- The deadline at issue is for IRs, the purpose of which is, as the Panel noted in Exhibit A-20, to “test the evidence on the record” rather than “introduce new evidence” (see also Exhibit A-15).
- The deadline is for the second, rather than first, round of IRs. CORE and other participants have already had one opportunity (which CORE used) to ask IRs. FEI submitted its responses to the first IR round on October 26, 2021, providing almost two months for interveners to review them before the December 22 deadline set in Order G-365-21. Our understanding is that second round IRs should typically be for the purpose of clarifying or following up on first round responses rather than being a substantially new endeavour. This “follow-up” purpose is reflected in the process submissions filed by both the BC Sustainable Energy Association (Exhibit C2-4) and the Commercial Energy Consumers Association (Exhibit C4-6) in November 2021.
- CORE did not specify in its procedural submission of November 23, 2021 a particular duration of time it required for delivering second round IRs (Exhibit C-7-6). In its parallel submission, FEI proposed December 15, 2021 (Exhibit B-14).

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- In its November 23 submissions on process, CORE otherwise indicated its ability to move quickly. With respect to the filing of evidence if permitted to do so, CORE said it would “move with dispatch in order to meet any timeline directed by the Commission” (Exhibit C7-6).
- While undoubtedly there are occasions on which extensions are appropriate, CORE has developed a pattern in this proceeding of seeking to extend deadlines (Exhibits C7-2, C7-4, C7-7) and/or seeking that the proceeding be stayed. (CORE’s request for a stay was refused, in the context of CORE’s reconsideration request, in Order G-359-21.)
- In CORE’s October 29 submissions on its request to extend the time for submissions on process from November 9 to November 23, CORE indicated that that extension would ensure that it had a “meaningful opportunity to consult with potential expert consultants” (Exhibit C7-5). CORE’s present request again relates in part to “waiting to hear from several potential expert consultants” (Exhibit C7-7).

Further, while this may be premature to resolve in advance of seeing the pending IRs and intervener submissions on the scope of intervener evidence (presently set for February 11, 2022), we note our concern that in both Exhibit C7-6 and Exhibit C7-7, CORE appears to be suggesting a scope or nature of engagement in this proceeding beyond that approved by the BCUC in Exhibit A-9 when granting CORE’s request to intervene.

All this said, if other interveners or the BCUC find themselves unable to comply with the December 22 deadline set in Order G-365-21 for the delivery of second round of IRs, or if the Panel otherwise finds the December 22 deadline should be extended vis-à-vis CORE or otherwise, we request that FEI’s deadline for responding to the IRs for which the deadline is extended be adjusted by a period commensurate with the extension.

Yours truly,

FARRIS LLP

Per:



Ludmila B. Herbst, Q.C.

LBH/ltt

c.c.: Registered Intervenors
client