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By Electronic Filing

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

Attention: Patrick Wruck, Commission Secretary and Manager, Regulatory Services

Dear Sirs/Mesdames:

**Re: British Columbia Utilities Commission – Generic Cost of Capital
Project No. 1599176**

We are counsel for FortisBC Energy Inc. (“FEI”) and FortisBC Inc. (“FBC”, and collectively with FEI, “FortisBC”) in the above-noted matter.

FortisBC is in receipt of the letter from counsel for Industrial Customers Group (“ICG”) filed with the BCUC on May 27, 2022 (Exhibit C5-9).

ICG has confirmed that it is seeking to have Dr. Lesser do exactly what it has requested twice already, only to be refused twice by the Panel. ICG’s attempt to relitigate the BCUC’s two previous determinations on this very point amounts to an abuse of process.

Moreover, the BCUC routinely hears and determines applications where only one party is filing evidence. The only reason why past cost of capital proceedings have involved multiple experts is because interveners have seen fit to file expert evidence of their own. ICG knows that, as it has been involved in multiple cost of capital proceedings over the years. In this case, the scope of Dr. Lesser’s retainer has been clear to interveners including ICG from the outset, and ICG had ample opportunity to retain its own expert (which ICG acknowledges in a footnote to its letter). ICG’s decision to not adduce evidence of its own does not give rise to a procedural right to expand the role of the expert retained by BCUC.

FEI submits that the Panel is more than capable of making a decision based on weighing the evidence before it, and there will already be a great deal of evidence from Dr. Lesser without expanding Dr. Lesser’s mandate in the way ICG suggests. ICG should not be permitted to derail



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this proceeding at this late stage based on what amounts to an abuse of process and a misapplication of the principles of procedural fairness.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP

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MTG/tva

cc Registered Intervenors

