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July 4, 2022

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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. Wruck:

Re: 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) ~ Project 1599211**

FEI Position on Need for Oral Hearing

We are legal counsel for FEI in respect of the above-noted Application. In our letter dated June 30, 2022 (Ex. B-28), we set out and explained FEI's position that an oral hearing phase is not required in this proceeding and that the BCUC should instead set a schedule for final written arguments (following the existing steps in the Regulatory Timetable).¹

In Ex. B-28, we reserved the right to seek to file written Reply Submissions if any interveners filed submissions requesting an oral hearing. Four of the five interveners that filed submissions, BCSEA, CEC, RCIA, and BCOAPO, did not request an oral hearing or take the position that an oral hearing phase is needed in this proceeding.

CORE's filed submissions (Ex. C7-18) do request an oral hearing; however, we note the following regarding CORE's submissions:

- CORE has not identified any specific issues arising from the filed evidence that it says would benefit from or require oral cross-examination. Similarly, CORE has not explained why written IRs, including still pending IRs on FEI and Exponent's rebuttal evidence, are not an adequate process to test the evidence or explore any particular matters in issue.

¹ Capitalized terms in this letter have the same meanings ascribed to them in Ex. B-28.

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- CORE relies on various court decisions regarding the importance of cross-examination, including decisions in criminal cases involving an accused's constitutional right to make full answer and defence. Rights of cross-examination in court proceedings, which generally involve in-person trials as a default process, have no application to BCUC proceedings. CORE's submissions fail to recognize that section 86.2(1) of the *UCA* allows the BCUC to conduct a written hearing in any circumstance.
- CORE seeks a "broad or unlimited scope" for an oral hearing, notwithstanding that this would be well beyond the scope of both CORE's filed evidence and the matters of direct and sufficient relevance on which CORE's intervention was approved in Exhibit A-9. CORE's alternative "discrete areas" for an oral hearing are similarly over-broad.
- CORE's submission that "an oral hearing will not, in fact, result in additional cost, burden, or time in the Proceeding" is manifestly incorrect. An oral hearing would, in fact, add significant cost, burden, and time for the participants in this proceeding, none of whom, except for CORE, have requested an oral hearing.

In light of the interveners' submissions, as described above, FEI does not require an opportunity to file Reply Submissions on need for an oral hearing. FEI is content to rely on our initial submissions in Exhibit B-28, as supplemented by this letter.

Yours truly,

FARRIS LLP



Per:

Nicholas T. Hooge

NTH/kl

c.c.: Registered Intervenors;
Client;
Ludmila B. Herbst, Q.C.