

**Memorandum of Understanding between
British Columbia Utilities Commission and British Columbia Environmental Assessment Office**

Introduction

- A. The British Columbia Environmental Assessment Office (EAO) is an office of the Government of British Columbia responsible for carrying out the environmental assessment of reviewable projects under the *Environmental Assessment Act*, S.B.C. 2002, c.43 (EAA).
- B. The British Columbia Utilities Commission (BCUC) is a regulatory commission continued under the *Utilities Commission Act*, R.S.B.C. 1996, c.473 (UCA). The Commission is responsible, in part, for ensuring that public utility customers receive safe, reliable and non-discriminatory energy services at fair rates. As part of its mandate, BCUC adjudicates applications for Certificates of Public Convenience and Necessity (CPCN) where a utility seeks to construct or extend its plant or system.
- C. In many cases, a utility will require both a CPCN and an Environmental Assessment Certificate before constructing or extending its plant or system, resulting in potential overlap between the processes conducted by BCUC and EAO.
- D. The EAO and BCUC are committed to fully discharging their responsibilities under the EAA and the UCA, respectively.
- E. The BCUC and EAO also wish to coordinate their processes where possible, in order to promote the efficient and effective regulation of public utilities, and have decided to enter into this Memorandum of Understanding for that purpose.

Agreement

- 1. The EAO and BCUC agree to work together within the scope of their legislative mandates to promote the efficient and effective regulation of public utilities, and in particular agree, subject to paragraph 2, to:
 - a. coordinate the regulatory schedules of their processes;
 - b. promote the sharing of evidence relevant to both processes; and,
 - c. coordinate the timing and conduct of BCUC Community Information and Community Input sessions and EAO open houses.

2. The EAO and BCUC agree that:
 - a. this Memorandum of Understanding will apply to the regulatory processes respecting a project or class of projects only where EAO and BCUC have agreed in writing that it is applicable, and,
 - b. where they have so agreed they will utilize the model attached as Appendix A to this Memorandum of Understanding as the basis for the common scheduling of their processes, modified as necessary to accommodate the specific circumstances.


3. Nothing in this Memorandum of Understanding delegates any of the statutory jurisdiction of the EAO under the EAA to the BCUC or any of the statutory jurisdiction of the BCUC under the UCA to the EAO, limits their responsibilities under the EAA or the UCA, or limits their exercise of discretion under those Acts.

4. This Memorandum of Understanding is not legally binding, does not impose legal obligations on either EAO or BCUC, and has no legal effect.

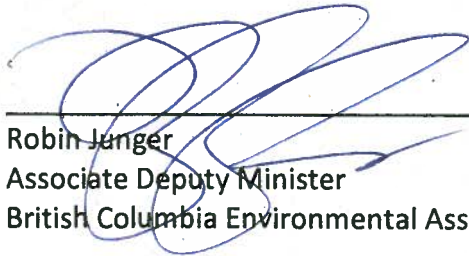
Signatures



Len Kelsey
Chair
British Columbia Utilities Commission



Date



Robin Junger
Associate Deputy Minister
British Columbia Environmental Assessment Office



Date

Appendix A – EAO/BCUC Model for Coordinated Regulatory Processes

BC Environmental Assessment Office		BC Utilities Commission	
Proponent submits project description and enters the EA process through a section 10 Order issued by EAO. EAO establishes Working Group (FNs/ Fed/ Prov/ Local government)	Month 1		
Order under section 11 Environmental Assessment Act	Month 3	Application for CPCN. Proponent: <ul style="list-style-type: none"> • Includes information respecting status of EA, including information required as part of EA application • Includes information respecting status of First Nations Consultation & Accommodation • Indicates intention to supplement CPCN application with EA information, including record of First Nation Consultation & Accommodation 	Month 3
Review of Application Information Requirements by the EAO Working Group	Month 2 to Month 6	BCUC issues Regulatory Agenda	Month 4
EAO led 30-day public comment period and open houses on the draft Application Information Requirements	Month 5	Community Information Sessions: <ul style="list-style-type: none"> • How the public can participate in the BCUC process • Discussion on sequence of events 	Month 5
Application Information Requirements finalized	Month 7		
Proponent prepares Application	Month 7 to Month 15	First Procedural Conference: <ul style="list-style-type: none"> • Issues identified by BCUC • Further issues identified by intervenors and proponent • Timelines for CPCN review are determined 	Month 7/8
		Review of Application: <ul style="list-style-type: none"> • Information requests • Responses 	Month 4 to Month 22
Proponent circulates draft First Nation consultation section on the Application to First Nations for review as per section 11 Order before submitting application	Month 13		
EAO screens Application: <ul style="list-style-type: none"> • EAO assesses adequacy of FNs consultation to date and planned for application review • EAO assesses adequacy of public consultation to date and planned for application review 	Month 15		
Application for EAC accepted or not accepted	Month 16 (applies if application is accepted and if not accepted dates below will be revised)		
Review of Application proceeds, including 30 - 75 day public comment period and Open Houses	Month 16/17	Community Input Sessions: <ul style="list-style-type: none"> • Opportunity for public to comment on the Application 	Month 16/17

Appendix A – EAO/BCUC Model for Coordinated Regulatory Processes

BC Environmental Assessment Office		BC Utilities Commission	
Proponent submits responses to First Nations, agencies and public comments on issue tracking documents to EAO and posted to website.	Month 18		
EAO forwards tracking documents with proponent responses to Working Group to ensure no outstanding issues. If there are still outstanding issues then EAO arranges meetings to resolve.	Month 18		
Proponent's Reports submitted to EAO and posted on website: <ul style="list-style-type: none"> • Public Consultation Report • Interim First Nations Consultation Report • Final First Nations Consultation Report 	Month 18 Month 18 Month 19		
EAO prepares draft Assessment Report and circulates to Working Group for two week review. Report outlines how effects of the project have been addressed.	Month 17 to Month 19		
EAO prepares draft First Nation Consultation Report and circulates to First Nations for four week review. Outlines First Nations Consultation & Accommodation undertaken through EA.	Month 17 to Month 19		
EAO prepares second draft of the Assessment Report that includes the First Nations Consultation Report and circulates to Working Group for two week review.	Month 20		
EAO refers Project to Ministers for decision.	Month 22		
EAC Issued/Refused/Sent back to EAO by Ministers: <ul style="list-style-type: none"> • If granted, contains conditions with respect to commitments to First Nations 	Month 23	Second Procedural Conference: <ul style="list-style-type: none"> • Proponent Provides Assessment Report to stakeholders and BCUC • Proponent places Assessment Report into record • Proponent supplements information respecting First Nations Consultation & Accommodation conducted through EA, and files this as evidence of Consultation & Accommodation 	Month 23
		Filing of Intervenor Evidence	Month 24
		Hearings respecting proposed project	Month 25/26
		Final Argument	Month 26/27
		Decision on CPCN:	Month 29