

January 25, 2017
File: 16-153783

Ms. Jana Kalina and Mr. Larry Duberry

Dear Ms. Kalina and Mr. Duberry:

I am writing in response to your complaint to us regarding BC Hydro. I have reviewed the information that you provided to our office and it is my preliminary decision not to proceed with an investigation of your complaint. This letter provides you with my reasons for this decision

You contacted us on December 6, 2016, with a complaint about BC Hydro and Power Authority. You told us that you had two desired outcomes in dealing with our office. First, for BC Hydro to replace the Smart Meter that was installed at your home with an analogue meter. This is because you feel as though your analogue meter was stolen by BC Hydro. Second, you will pay for a new analogue meter if BC Hydro would allow it. You said that BC Hydro refused this option and has made abusive threats to disconnect your power.

It is my decision to not investigate your complaint because an investigation by our Office would be of no benefit to you. My reasons for this decision follow, but first I will provide some information about the role of our Office and the information I considered in making this decision.

It is the function of the legislature to make laws and it is the role of public agencies to develop policies and procedures to implement those laws. The role of the Ombudsperson is to investigate complaints about unfair administration and determine whether or not there have been any contraventions of the standards of procedural fairness.

Procedural or administrative fairness includes well-recognised common law principles, such as ensuring that a decision is consistent with the process followed and information presented, as well as being consistent with the legislation, policies and procedures that apply to it.

The Electric Tariff in BC sets out the terms and conditions for BC Hydro service and was approved by the BC Utilities Commission. The Tariff and the terms and conditions contained within are legally binding on BC Hydro and on its customers. It was prescribed by the BCUC under the *BC Utilities Commission Act* and approved by the Lieutenant Governor in Council

You would like a new analogue meter in replacement of your smart meter

The BC Utilities Commission issued a decision on the Smart Meter Choices Program on April 25, 2014 that established:

- the periods during which legacy meters may remain in place;
- the fees to be charged to customers who retain a legacy or a radio-off smart meter; and,

