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## Administrative Penalty Powers Given to BC Utilities Commission

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Recent amendments to the BC *Utilities Commission Act* give the Commission significant new powers to issue “administrative penalties” and remedial orders.

The Commission’s new powers include the authority to:

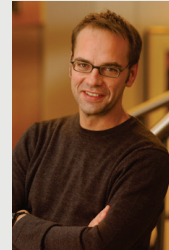
- determine, after a hearing, that a person has contravened the Act, or any order or rule of the Commission;
- impose administrative penalties for each day that the Act, order or rule has been contravened;
- publicize the administrative penalty, and the reasons for imposing the penalty;
- compel the refund of money to a “low-volume consumer” of natural gas, if the underlying contract is declared unenforceable; and
- exclude administrative penalties from the cost of service included in utility rates.

In addition, the amendments:

- impose a form of vicarious liability on officers, directors or agents of a corporation that contravenes a Commission order or rule; and
- increase the maximum fine a person is liable to pay for an “offence”, from \$10,000 to \$1,000,000.

For information or assistance on the BC *Utilities Commission Act* generally, or the new “administrative penalty” regime specifically please contact Jeff Christian at 604.631.9115 or Cliff Proudfoot at 604.631.9217. Jeff has an extensive practice before the Commission on utility matters, while Cliff has an extensive practice in defending regulatory offense prosecutions and administrative contraventions.

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