

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-34-04

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**IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473**

and

**An Application by British Columbia Hydro and Power Authority
to Exempt from the Provisions of BC Hydro's Whole Transmission Services Tariff
Power Flowing on BC Hydro's System pursuant to the Teck Cominco/BC Hydro Line 71 Agreement
and the Line 71 Amending Agreement**

BEFORE: L.F. Kelsey, Commissioner)
K.L. Hall, Commissioner) April 7, 2004
)

O R D E R

WHEREAS:

- A. Teck Cominco Metals Ltd. ("Teck Cominco") is connecting its Line 71 to the British Columbia Hydro and Power Authority ("BC Hydro") system at Nelway in order to benefit the interconnected transmission system by reducing loop flows; and
- B. Teck Cominco and BC Hydro have entered into agreements regarding the connection of Line 71 to the BC Hydro system at Nelway that are referred to as the Line 71 Agreement and the Line 71 Amending Agreement; and
- C. On February 6, 2003, BC Hydro applied to the Commission to exempt power flowing on the BC Hydro system, pursuant to the Line 71 Agreement and the Line 71 Amending Agreement, from the provisions of BC Hydro's Wholesale Transmission Services Tariff (Tariff Supplement No. 30 and Rate Schedules 3000 to 3010) (the "WTS Tariff"); and
- D. BC Hydro has assured the Commission and other parties that the Line 71 Agreement and Amending Agreement do not prohibit Teck Cominco from entering into arrangements with third parties for the scheduling of power deemed to be flowing over Line 71 and that the exemption would apply to any power deemed to be flowing on Line 71; and
- E. By letters of comment dated March 6, 2003 and February 26, 2003, Aquila Networks Canada (British Columbia) Ltd. ("Aquila") and Columbia Power Corporation ("CPC") respectively, supported BC Hydro's Application; and
- F. On March 20, 2003 the Commission, pursuant to Section 63 of the Utilities Commission Act (the "Act"), issued Order No. G-18-03 approving for BC Hydro an exemption from the application of the WTS Tariffs to power flowing on the BC Hydro system, which would otherwise be deemed to be flowing on Line 71; and

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PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

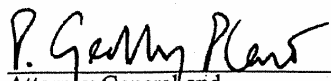
Order in Council No. **285**, Approved and Ordered **MAR 25 2004**


Lieutenant Governor

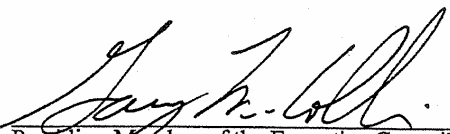
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

approval is given to the British Columbia Utilities Commission to issue an order to exempt British Columbia Hydro and Power Authority from the application of Section 61 (3) of the Utilities Commission Act for the purposes, and subject to the terms, substantially set out in the attached draft order of the British Columbia Utilities Commission.



Attorney General and
Minister Responsible for Treaty
Negotiations



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Utilities Commission Act section 88 (3)

Other (specify): _____