

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-95-05

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

and

An Application by FortisBC Inc. ("FortisBC") and the British Columbia Hydro and Power Authority ("BC Hydro") for Approval of Exemptions, pursuant to Section 88(3) of the Utilities Commission Act ("the Act") regarding the Canal Plan Agreement ("CPA"), the FortisBC Entitlement Adjustment Agreement, and the CPA Subagreement

and

An Application by the British Columbia Transmission Corporation for Approval of the Canal Plant Support Agreement pursuant to Section 61(1) of the Act

BEFORE: L.A. Boychuk, Commissioner
L.F. Kelsey, Commissioner September 30, 2005

O R D E R

WHEREAS:

- A. On August 19, 2005 FortisBC and BC Hydro applied to the Commission for an exemption, pursuant to Section 88(3) of the Utilities Commission Act, for the Canal Plant Agreement and the FortisBC Entitlement Adjustment Agreement, and the CPA Subagreement, from all provisions of the Act to the extent that the Act may apply to the Agreements ; and
- B. On August 31, 2005 the British Columbia Transmission Corporation applied to the Commission for approval of the Canal Plant Support Agreement pursuant to Section 61(1) of the Act; and
- C. The Commission, by letter dated August 24, 2005 requested that interested parties comment by September 22, 2005 on an appropriate process for the Commission examination of the Applications; and
- D. On September 15, 2005 FortisBC and BC Hydro, along with other Parties to the Agreements, held a workshop in Castlegar BC and provided an opportunity for the general public and interested parties to ask questions and comment on the Agreements; and
- E. The Commission has received comments regarding the process to consider the Applications from the Applicants and Interested Parties.

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NOW THEREFORE the Commission orders as follows:

1. The Applications will be examined by a written process according to the attached Regulatory Timetable (appendix A) and the examination will be limited to the following issues:
 - Does the Commission have the jurisdiction to approve, with the prior approval of the Lieutenant Governor In Council, the exemption requests in the Applications; and
 - If so, should the requested exemptions under Section 88(3) of the Act be granted; and
 - Should approval, pursuant to section 61(1) of the Act, be granted for the Canal Plant Support Agreement?

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of September 2005.

BY ORDER

Original signed by:

L.A. Boychuk
Commissioner

Attachment

An Application by FortisBC Inc. and the British Columbia Hydro and Power Authority
for Approval of Exemptions, pursuant to Section 88(3) of the Utilities Commission Act regarding the Canal Plan
Agreement, the FortisBC Entitlement Adjustment Agreement, and the CPA SubAgreement
and
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REGULATORY TIMETABLE

ACTION	DATE
Public Notification of Proceeding in Local Newspapers	October 7, 2005
Registration and Budget Submission for Intervenors	October 14, 2005
Commission and Intervenor Information Requests	October 21, 2005
Applicants Response to Information Requests	November 4, 2005
Submissions to the Commission	November 18, 2005
Reply by Applicants	November 25, 2005