

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3 CANADA
web site: <http://www.bcuc.com>



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** E-22-07

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

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

and

**A Filing by British Columbia Hydro and Power Authority
for Acceptance of the 2006 Water Rights Agreement with the City of Nelson**

BEFORE: L.F. Kelsey, Commissioner
P.E. Vivian, Commissioner September 20, 2007

O R D E R

WHEREAS:

- A. On April 24, 1991 by Commission Order No. G-34-01, the British Columbia Utilities Commission (the "Commission") approved the 1989 Water Rights Agreement between British Columbia Hydro and Power Authority ("BC Hydro") and the City of Nelson; and
- B. The City of Nelson and BC Hydro have entered into an Agreement made as of August 1, 2006 (the "2006 Water Rights Agreement"), which amends, restates and replaces the 1989 Water Rights Agreement and pursuant to section 2 of the 1989 Water Rights Agreement, essentially extends such agreement on substantially similar terms; and
- C. Section 8 of the 2006 Water Rights Agreement provides that under certain conditions BC Hydro has the option of purchasing energy from the City of Nelson; and
- D. A Condition Precedent of the 2006 Water Rights Agreement is the acceptance by the Commission of the agreement as filed; and
- E. On September 13, 2007, pursuant to Section 71 of the Utilities Commission Act (the "Act"), BC Hydro filed the 2006 Water Rights Agreement, specifically section 8 of the agreement, with the Commission; and
- F. The Commission has considered the filing by BC Hydro.

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** E-22-07

2

NOW THEREFORE pursuant to Section 71 of the Act, the Commission orders that the 2006 Water Rights Agreement is accepted by the Commission as filed.

DATED at the City of Vancouver, in the Province of British Columbia, this 21st day of September 2007.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner