



**LETTER NO. L-20-09**

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**VIA E-MAIL**

March 23, 2009

**BCTC ILM CPCN –**  
**COURT OF APPEAL RECONSIDERATION      EXHIBIT A-1**

TO: British Columbia Transmission Corporation  
BCTC ILM CPCN Registered Intervenors

Re: British Columbia Transmission Corporation ("BCTC")  
Project No. 3698506/Letter No. L-20-09  
Interior to Lower Mainland (ILM) Transmission Project

The Court of Appeal for British Columbia released its decision in *Kwikwetlem First Nation v. British Columbia (Utilities Commission)*, 2009 BCCA 68 on February 18, 2009. Madam Justice Huddart, on behalf of the Court, stated at paragraph 15:

"I would remit the scoping decision to the Commission for reconsideration in accordance with this Court's opinion, once certified, and direct that the effect of the CPCN be suspended for the purpose of determining whether the Crown's duty to consult and accommodate the Appellants had been met up to that decision point."

The Commission proposes to schedule a Procedural Conference following certification of the Court's opinion. However, before doing so, it would like to receive submissions from the parties on the following issues:

1. What issues need to be addressed and what existing or additional evidence needs to be examined to determine whether the Crown's duty to consult and, if necessary accommodate has been met up to the Commission's decision point?
2. What process (written and/or oral hearing) should the Commission use in this reconsideration to consider the adequacy of the Crown's duty to consult and, if necessary, accommodate up to the Commission's decision point?
3. Are further information requests necessary?

BCTC is to file its submissions by March 30, 2009. Intervenors are to file their submissions by April 3, 2009. BCTC shall file its reply submissions, if any, by April 6, 2009.

Yours truly,

*Original signed by:*

Erica M. Hamilton

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