



**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-124-09

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

and

**An Inquiry into British Columbia's Electricity Transmission Infrastructure
and Capacity Needs for the Next 30 Years**

BEFORE: L.A. O'Hara, Commissioner and Panel Chair
A.W.K. Anderson, Commissioner
D.A. Cote, Commissioner
M.R. Harle, Commissioner
R.K. Ravelli, Commissioner

October 16, 2009

O R D E R

WHEREAS:

- A. By Order G-47-09, the British Columbia Utilities Commission ("Commission") released a Preliminary Inquiry Schedule providing that British Columbia Hydro and Power Authority ("BC Hydro"), the British Columbia Transmission Corporation ("BCTC") and FortisBC Inc. ("Fortis") would file their base data, initial scenarios and the transmission implications of those scenarios by September 18, 2009.
- B. In the Reasons for Decision accompanying Order G-108-09, the Commission invited submissions on a First Nations phase of the Inquiry and proposals regarding the identity of a First Nations consultant or consultants by October 7, 2009 and proposals for terms of reference for a First Nations Advisory panel on or before October 14, 2009; and
- C. By Orders G-111-09 and G-114-09, the Commission established a series of open Regional Sessions to take place between October 14, 2009 and December 1, 2009 for Participants and the public to discuss issues related to regional transmission needs in relation to the Inquiry, including potential generation resources and anticipated regional electricity demand. Additionally, the Commission established a fourth Procedural Conference to take place on October 28, 2009 for Participants to discuss Inquiry issues, procedural timing, and scope revisions; and
- D. On October 7, 2009, BCTC (Exhibit B1-11) and BC Hydro (Exhibit B2-16) requested a fourth delay in filing what they respectively describe as their "Initial Information" and "Information for Discussion" (collectively, "Initial Information"). BCTC stated that it is undertaking some changes to its Initial Information filing based on a policy level review by government. BCTC indicated it would endeavour to file its Initial Information in advance of the October 28, 2009 Procedural Conference. BC Hydro indicated it would file its Initial Information along with BCTC; and
- E. By letter dated October 9, 2009 (Exhibit A-31) the Inquiry Panel postponed the first four Regional Sessions; and
- F. The Inquiry Panel has determined, for the reasons set out in the Reasons for Decision attached as Appendix A to this Order, that:

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- i. all remaining Regional Sessions should be postponed to a date to be fixed; and
- ii. the fourth Procedural Conference should be postponed to a date to be fixed; and
- iii. the dates for the filing of submissions and proposals on First Nations engagement should be postponed to a date to be fixed in conjunction with the rescheduling of the fourth Procedural Conference.

NOW THEREFORE the Commission orders as follows:

1. Paragraphs 1 of Orders G-111-09 and G-114-09 are varied and all remaining Regional Sessions dates are postponed to a date to be fixed when there is more certainty on the date when the Initial Information will be filed.
2. Paragraph 2 of Order G-111-09 is varied and the fourth Procedural Conference is postponed to a date to be fixed when there is more certainty on the date when the Initial Information will be filed.
3. The dates in the Reasons for Decision attached to Order G-108-09 for the submissions and proposals regarding a First Nations phase, the identity of a potential First Nations consultant or consultants and the terms of reference for a First Nations Advisory Panel are varied to the extent that dates for filing of any submissions and proposals on these issues are postponed to a date to be fixed in conjunction with the rescheduling of the fourth Procedural Conference.

DATED at the City of Vancouver, in the Province of British Columbia, this 16th day of October 2009.

BY ORDER

Original signed by:

L.A. O'Hara
Panel Chair/Commissioner

Attachment

**Inquiry into British Columbia's Long-Term Transmission Infrastructure
Rescheduling Regional Session Dates, the Fourth Procedural Conference, and Dates
for Submissions and Proposals on First Nations Engagement**

REASONS FOR DECISION

1.0 BACKGROUND

On September 16, 2009 the Commission issued Order G-108-09 with attached Reasons for Decision regarding the Inquiry Panel's duty to consult with First Nations ("Reasons for Decision"). In the Reasons for Decision, the Inquiry Panel invited submissions from Participants on a First Nations phase of the Inquiry and on the identity of a potential First Nations consultant or consultants by October 7, 2009; and requested First Nations Participants to submit any proposals on the terms of reference for a First Nations Advisory Panel by no later than October 14, 2009.

By letter dated October 5, 2009 (Exhibits C1-12/C72-6/C83-6/C84-7/C97-6/C98-3/C99-2/C103-4/C105-8), several First Nations Participants asked the Commission to reconsider the October 7, 2009 date for comments on a First Nations phase and asked that the issue be addressed at the October 28, 2009 Procedural Conference. The Commission accepted this request by letter dated October 8, 2009 (Exhibit A-30).

On October 7, 2009, BCTC (Exhibit B1-11) and BC Hydro (Exhibit B2-16) requested a fourth delay in filing what they respectively describe as their "Initial Information" and "Information for Discussion" (collectively, "Initial Information"). BCTC stated that it is undertaking some changes to its Initial Information filing based on a policy level review by government. BCTC indicated it would endeavour to file its Initial Information in advance of the October 28, 2009 Procedural Conference. BC Hydro indicated it would file its Initial Information along with BCTC.

In a letter dated October 8, 2009 (Exhibit C1-14), the BC First Nations Energy and Mining Council submitted that the delay in filing of the Initial Information by BCTC and BC Hydro would affect each successive step in the Inquiry schedule and urged that the full schedule should be re-assessed.

On October 9, 2009, the Inquiry Panel issued letter L-91-09 which granted the October 7, 2009 requests for delay by BCTC and BC Hydro, postponed the first four Regional Sessions, and suggested that further significant changes to the Inquiry schedule may be required.

By letter dated October 7, 2009 (Exhibits C83-7/C84-8) counsel for the Haisla Nation and the We Wai Kai Nation requested an extension to the October 7, 2009 date for submitting the names of potential First Nations consultants.

On October 14, 2009 (Exhibit C97-7), counsel for the Nlaka'pamux Nation Tribal Council, the Okanagan Nation Alliance, the shíshálh Nation and the Tahltan Central Council provided proposed Terms of Reference for the First Nations panel. By letters dated October 14, 2009 counsel for the Hwilitsum First Nation (Exhibit C89-9), the Toquaht First Nation (Exhibit C103-6), the Treaty 8 Tribal Association (Exhibit C105-9) and the We Wai Kai Nation (C84-9) either supported, agreed to, or endorsed fully, or in part, the proposed Terms of Reference. Further, by letter dated October 13, 2009 *[sic]* (Exhibit C1-15) the BC First Nations Energy and Mining Council supported the proposed Terms of Reference and suggested two persons for membership on the First Nations Advisory Panel.

2.0 DETERMINATION

Due to the continuing uncertainty surrounding the date when BC Hydro and BCTC will be in a position to file the Initial Information referred to in the Commission's letter dated October 9, 2009 (Exhibit A-32), the Commission has determined that the fourth Procedural Conference presently set to take place on Wednesday, October 28, 2009 should be postponed to a date to be fixed. The Commission has further determined that all the remaining scheduled Regional Sessions should also be postponed. The Commission is of the view that the availability of the Initial Information to Participants prior to the Procedural Conference and Regional Sessions will serve to enhance the value of those proceedings.

The Commission's letter dated October 9, 2009 (Exhibit A-31) postponed the first four Regional Sessions. Further to that letter, all the remaining Regional Sessions as scheduled by Orders G-111-09 and G-114-09 and outlined in the Table below are postponed to a date to be fixed.

LOCATION	DATE (2009)	STATUS
Kelowna, BC	Monday, November 16	POSTPONED
Cranbrook, BC	Thursday, November 19	POSTPONED
Sechelt, BC	Monday, November 23	POSTPONED
Nanaimo, BC	Tuesday, December 1	POSTPONED

In addition, the Commission notes that while the Reasons appended to Order G-108-09 (Exhibit A-21) sought submissions from Participants on a specific First Nations phase of the hearing and proposals regarding the identity of potential First Nations consultant(s) to the Panel by October 7, 2009 and also requested that First Nations Participants submit any proposal(s) relating to a First Nations Advisory Panel by no later than October 14, 2008, the rescheduling of the Procedural Conference will allow for further time for those submissions and proposals to be made. While the Commission has now received one proposal for terms of reference for a First Nations Advisory Panel from counsel for the Nlaka'pamux Nation Tribal Council, the Okanagan Nation Alliance, the shíshálh Nation and the Tahltan Central Council (Exhibit C97-7), the Commission believes that the filing of any further submissions and proposals on First Nations engagement by a date to be fixed in conjunction with the rescheduling of the fourth Procedural Conference will allow sufficient time for Participants to consider all such submissions and proposals in advance of the Procedural Conference and also serve to enhance the value of the Procedural Conference. The Commission will provide Participants with this new date once the fourth Procedural Conference has been rescheduled.