



LETTER No. L-103-09

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November 19, 2009

BC HYDRO

WANETA TRANSACTION

EXHIBIT A-12

Ms. Joanna Sofield
Chief Regulatory Officer
British Columbia Hydro and Power Authority
333 Dunsmuir Street
Vancouver, BC V6B 5R3

Dear Ms. Sofield:

Re: British Columbia Hydro and Power Authority
Project No. 3698565/Order G-97-09A
Acquisition from Teck Metals Ltd. of an Undivided One-Third Interest
in the Waneta Dam and Associated Assets

Further to Commission Order L-61-09, the Commission has completed its review of the submissions regarding an oral phase of the hearing.

The Independent Power Producers of BC ("IPPBC") envisaged an oral public hearing or as an alternative a two or more day workshop where British Columbia Hydro and Power Authority ("BC Hydro") is prepared to fully answer all questions concerning the Waneta Transaction. The City of Trail requested a limited oral phase of the hearing. Local 480 of the United Steelworkers requested an oral hearing.

The Joint Industry Electricity Steering Committee ("JIESC") stated that an oral hearing is not going to shed further light on the issues and opposes the IPPBC request for an oral hearing. The Commercial Energy Consumers Association of British Columbia ("CEC") endorsed a written process for review of the transaction and sees no added value to an oral hearing. The BC Old Age Pensioners Organization *et al.* ("BCOAPO") replied that the Application should be determined by way of written submission.

By letter dated October 30, 2009, the Okanagan Nation Alliance ("ONA") stated that it wishes to reserve its right to apply for an oral phase based on its filed written evidence.

BC Hydro is opposed to an oral hearing and noted that the IPPBC and City of Trail did not file written evidence. Also, BC Hydro noted that the ONA and other parties do not have a right to bring an application that ignores the Procedural Order. In its reply, BC Hydro responded to issues raised by IPPBC and City of Trail.

The other Intervenor including the other First Nations did not provide any comment.

The Commission Panel has considered these comments, replies and submission and has concluded the review of the Application will proceed by way of a Written Process and denies the requests for an oral phase of the hearing process and IPPBC's request for a second workshop.

Yours truly,

Original signed by:

Erica M. Hamilton

DF/dg

cc: Registered Intervenor
(BCH-Waneta-RI)