

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER F-33-09**

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

and

**An Application for Interim Participant Assistance/Cost Award
in a Proceeding to Review an Application by British Columbia Hydro and Power Authority
for the Acquisition from Teck Metals Ltd. of an Undivided One-Third Interest
in the Waneta Dam and Associated Assets**

BEFORE: A.W.K. Anderson, Panel Chair
and Commissioner
D.A. Cote, Commissioner
P.E. Vivian, Commissioner

November 19, 2009

O R D E R

WHEREAS:

- A. On June 17, 2009 British Columbia Hydro and Power Authority ("BC Hydro") entered into a non-binding master terms sheet (the "Term Sheet") with Teck Metals Ltd. and Teck Resources Limited (collectively "Teck") that contemplates the sale and purchase of an undivided one-third interest in the Waneta Dam on the Pend d'Oreille River and associated assets (the "Waneta Assets"); and
- B. On July 6, 2009 BC Hydro applied (the "Waneta Application") pursuant to section 44.2(1) of the *Utilities Commission Act* (the "Act") requesting acceptance by the British Columbia Utilities Commission (the "Commission") that proceeding with the expenditures contemplated in the Term Sheet are in the public interest pursuant to section 44.2(3)(a) of the Act; and
- C. Pursuant to Order G-88-09 dated July 15, 2009 the Commission held a Procedural Conference on August 17, 2009; and
- D. Pursuant to Order G-97-09A dated August 25, 2009 and Letter L-61-09 dated August 28, 2009, the Commission established the Regulatory Timetable for the proceeding and held a Workshop on September 24, 2009; and

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- E. By letter dated November 4, 2009, the Sinixt Nation ("Sinixt") submitted a Participant Assistance/Cost Award ("PACA") Budget Estimate for its participation in the proceeding to review the Waneta Application, and applied for interim PACA funding. The Sinixt stated that interim PACA funding is required to ensure its meaningful participation in the proceeding due to its limited resources, and that approval of the funding on an accelerated basis is necessary for the fairness and adequacy of the proceeding; and
- F. Commission staff by letter dated November 10, 2009 reviewed the Sinixt PACA Budget Estimate, and after adjusting the Budget Estimate for items that may not be funded, provided an Adjusted Budget Estimate of \$45,500.00 for the Sinixt; and
- G. The Commission has concluded that the exceptional circumstances identified by the Sinixt related to the review of the Waneta Application justify accelerated approval of an interim PACA payment that is 50 percent of the Adjusted Budget Estimate.

NOW THEREFORE the Commission orders as follows:

- 1. Pursuant to section 118(1) of the *Utilities Commission Act*, and Section 3 of the PACA Guidelines that are Appendix A to Order G-72-07, the Commission awards interim PACA funding to the Sinixt Nation for its participation in the Waneta Application proceeding in the amount of \$22,750.00.
- 2. BC Hydro is directed to pay the Sinixt the amount of the Participant's award in a timely manner.

DATED at the City of Vancouver, in the Province of British Columbia, this 19th day of November 2009.

BY ORDER

Original signed by:

A.W.K. Anderson
Panel Chair and Commissioner