

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-173-09**

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

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

**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, Commissioner
and Panel Chair December 30, 2009
D.A. Cote, Commissioner
P.E. Vivian, Commissioner

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 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 "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 is in the public interest pursuant to section 44.2(3)(a) of the Act; and
- C. The Commission by Order G-97-09A and Letter L-61-09 established a Regulatory Timetable for a written public hearing for the review of the Application; and
- D. The Commission by Letters L-98-09, L-100-09, and L-105-09 revised and clarified the Regulatory Timetable for the proceeding; and
- E. On December 18, 2009, the Okanagan Nation Alliance ("ONA") filed a letter stating that the Final Submissions of the intervenors Teck Metals Ltd. ("Teck"), the Commercial Energy Consumers Association of British Columbia ("CEC") and the Sinixt Nation ("Sinixt") included submissions that are adverse in interest to the ONA, and that the ONA wished to reserve the right to file a written reply to these submissions; and

**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER G-173-09**

2

- F. By letter dated December 21, 2009, BC Hydro opposed the application of ONA for the right to reply to the submissions of Teck, CEC and the Sinixt; and
- G. On December 22, 2009, ONA responded to the objections of BC Hydro and filed its Reply Submissions (the "ONA Reply Submission") with the request that it be admitted into the proceeding; and
- H. By letter dated December 24, 2009, BC Hydro reiterated its opposition to Commission acceptance of the ONA Reply Submission, stated that the Commission should accept the ONA Reply Submission only if Teck, CEC and the Sinixt do not object, and indicated that it will rely on the submissions it has already made in the event that the Commission admits the ONA Reply Submission; and
- I. The Commission Panel has considered the matter, and has concluded that it should admit and consider the ONA Reply Submission and will provide Teck, CEC and the Sinixt an opportunity to reply to the ONA Reply Submission.

NOW THEREFORE the Commission orders as follows:

- 1. The ONA Reply Submission dated December 22, 2009 in the proceeding to review the Application is admitted for consideration.
- 2. Teck, CEC and the Sinixt may file written reply submissions in response to the ONA Reply Submission. Any such reply submissions shall be filed by Wednesday, January 6, 2010.

DATED at the City of Vancouver, in the Province of British Columbia, this 30th day of December 2009.

BY ORDER

Original signed by:

A.W. Keith Anderson
Commissioner and Panel Chair