



LETTER L-69-10

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ERICA M. HAMILTON
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VIA EMAIL

reception@woodwardandcompany.com

September 3, 2010

Ms. Leah Mack
Mr. David Robbins
Mr. Drew Mildon
Woodward & Company
Barristers & Solicitors
Second Floor
844 Courtenay Street
Victoria, BC V8W 1C4

Dear Sirs/Madam:

Re: British Columbia Utilities Commission
Project No. 3698545/Order G-30-09
Inquiry into British Columbia's Long-Term Transmission Infrastructure
Participant Assistance/Cost Award Funding for the
Toquaht First Nation, Cowichan Tribes, Liard First Nation, and Tsawout First Nation

This is in response to your recent letters dated August 5, 10, 16, and 23, in which you request participant assistance funding to cover the following periods:

Toquaht First Nation	period from July 16, 2009 through June 4, 2010 for \$46,767.08
Cowichan Tribes	period from July 16, 2009 through June 4, 2010 for \$2,268.62
Liard First Nation	period from October 1, 2009 to June 4, 2010 for \$2,804.65
Tsawout First Nation	period from October 15, 2009 through June 4, 2010 for \$3,734.50

The requests are denied for being out of time and for, in part, covering the period when the Inquiry had been suspended. The following events should have put you on notice that work done during the suspension period would not be reimbursed and failure to make a submission for a cost award by January 29, 2010 would also mean that a cost award for Interim Period 3 would not be considered:

1. By letter dated December 17, 2009 (Exhibit A-35) the Commission forwarded a copy of the Ministry of Energy, Mines and Petroleum Resources December 15, 2009 letter regarding the suspension of the Inquiry and advised that the Panel would shortly issue an Order suspending the Inquiry until May 31, 2010.
2. By Order G-157-09 dated December 21, 2009 (Exhibit A-37) the Commission suspended the Inquiry until May 31, 2010. The Order states that "the Commission will not be accepting submissions on Inquiry issues, other than those required for administrative purposes to suspend the Inquiry."
3. On December 21, 2009, the Commission responded to an inquiry from Chief Lydia Hwitsum of the Cowichan Tribes advising that as the review process was being suspended until May 31, 2010, pursuant to the December 15, 2009 letter from the Minister of Energy, Mines and Petroleum Resources (Exhibit A-35), the Commission Panel was not in a position to either approve or deny the request for capacity funding.

4. On January 12, 2010, the Commission sent a letter to all Inquiry Participants stating that due to the suspension of the Inquiry, there would not be a subsequent bi-monthly award for Interim Period 3, and consequently parties who had not submitted a cost award for that period by the December 15 deadline would be allowed to do so by January 29, 2010.
5. The time between May 31, 2010 and the Commission's Order G-98-10 dated June 4, 2010 cancelling the Inquiry pursuant to the *Clean Energy Act (CEA)*(Exhibit A-38) was a few days. The *CEA* received Royal Assent on June 3, 2010,

The Panel is of the view that adequate notice was provided to participants regarding the date by which cost awards had to be filed and what would be accepted in terms of funding once the Inquiry was suspended.

In addition, even if your applications were in time and did not, in part, cover the period that the Inquiry was suspended, you have provided insufficient evidence to allow the Panel to make a determination on what Inquiry related work you performed during the suspension period.

The Commission notes that other participants to the Inquiry were able to provide the Panel with sufficient evidence upon which the Panel could make a decision on the awards sought by those participants for earlier periods.

Yours truly,

Erica M. Hamilton

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Enclosures