



LETTER L-50-11

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. CANADA V6Z 2N3
TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

Log No. 36635

ALANNA GILLIS
ACTING COMMISSION SECRETARY
Commission.Secretary@bcuc.com
web site: <http://www.bcuc.com>

VIA EMAIL

cweafer@owenbird.com

June 14, 2011

CEC RECONSIDER F-13-11
BC HYDRO F2011 RRA

EXHIBIT A-2

Mr. Christopher P. Weafer
Commercial Energy Association of British Columbia
Three Bentall Centre, PO Box 49130
2900-Burrard Street
Vancouver, BC V7X 1J5

Dear Mr. Weafer:

Re: British Columbia Hydro and Power Authority
Fiscal 2011 Revenue Requirements Application
Request for Reconsideration of Order F-13-11

On April 20, 2011, counsel for the Commercial Energy Association of British Columbia (CEC), pursuant to section 99 of the *Utilities Commission Act*, filed an Application for Reconsideration (Application) of Commission Order F-13-11.

Commission letter L-41-11, dated May 20, 2011 set dates for a written Phase 1 reconsideration process to consider whether the CEC has established a *prima facie* case sufficient to warrant full consideration of its application. The deadline for Participants' comments was May 20, 2011 and the deadline for reply to Participants' comments for CEC was June 6, 2011.

B.C. Sustainable Energy Association and the Sierra Club of B.C. (BCSEA) was the only party that filed submissions in Phase 1. In its submissions dated May 25, 2011, BCSEA states that when the first negotiated settlement process collapsed, the CEC undertook commitments and efforts to prepare expert testimony in accordance with the established agenda. BCSEA also states that Mr. Craig's evidence made a significant contribution justifying a Participant Assistance/Cost Award (PACA) that under the circumstances it would be unfair not to compensate the CEC for Mr. Craig's work preparing expert evidence in the F2011 RRA proceeding.

The Commission Panel considers that the claim of error in law or fact has been established on a *prima facie* basis. In making its determination, the Panel was not clear that expert evidence had been prepared, but not filed and did not take into account that Mr. Craig had taken responsibility for preparing evidence for the scheduled oral hearing.

Therefore, the Commission allows the Application to proceed to the second phase. The Panel requests that any participant having submissions in addition to those made in Phase 1 do so by Friday, June 24, 2011.

The Panel also requests that the CEC submit the unfiled material prepared by Mr. Craig as expert evidence by June 17, 2011.

Yours truly,

Alanna Gillis

SS/dg

cc: Registered Interveners

Ms. Janet Fraser
British Columbia Hydro and Power Authority
(bchydroregulatorygroup@bchydro.com)