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ERICA M. HAMILTON
COMMISSION SECRETARY
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September 16, 2009

To: Regulated Utilities and the Public

Re: 60-day Public Comment Period on 2009 Certificate of Public Convenience and Necessity Guidelines and Guidelines for First Nations Information Filing Requirements for Crown Applications and Filings

By Letter L-18-04 dated March 31, 2004, the Commission approved the Certificate of Public Convenience and Necessity Application Guidelines ("CPCN Guidelines"). The Commission has since drafted revised the CPCN Guidelines to take into account changes to the Utilities Commission Act since 2004 and to update information filing requirements related to First Nations and public consultation.

The Commission has also prepared new draft guidelines to respond to the February 18, 2009 BC Supreme Court decisions¹ which determined the Commission has an obligation to assess the adequacy of Crown consultation with First Nations within the scheme of its regulation. The proposed draft guidelines identify the information to be filed by Crown utilities related to First Nations consultation.

The Commission is seeking written comments on both drafts of the 2009 CPCN Guidelines and Guidelines for First Nations Information Filing Requirements for Crown Applications and Filings by November 16, 2009. The existing guidelines can be found at http://www.bcuc.com/Documents/Guidelines/2005/DOC_4726_L18_CPCN.pdf

Yours truly,

Original signed by:

Erica Hamilton

¹ Carrier Sekani Tribal Council v. British Columbia (Utilities Commission) 2009 BCCA 67 and Kwikwetlem First Nation v. British Columbia (Utilities Commission) 2009 BCCA 68