



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

January 7, 2005

British Columbia Hydro and Power Authority
Call for Tenders for Capacity on Vancouver Island
Review of Electricity Purchase Agreement

Exhibit No. A-22

To: All Participants

Re: A Filing by British Columbia Hydro and Power Authority ("BC Hydro")
Call for Tenders for Capacity on Vancouver Island ("CFT")
Review of Electricity Purchase Agreement ("EPA")

Town Hall Meeting Commencing at Coast Bastion Inn, 11 Bastion Street , Nanaimo on January 15, 2005
Hearing Commencing at 855 Homer Street, Third Floor, Vancouver on January 17, 2005

The following will provide participants in the BC Hydro EPA Review Hearing with information to assist them by explaining the process. For others who simply want to observe the proceedings, make a statement about the Review, or submit a Letter of Comment, this document will also help.

WHAT CAN I EXPECT AT THE ORAL PUBLIC HEARING?

The Town Hall Meeting and Hearing will generally proceed in the following order:

- The Town Hall Meeting will take place on January 15, 2005, beginning at 9:30 a.m. in the Malaspina Room of the Coast Bastion Inn, in Nanaimo. Members of the public who advised Commission Counsel on or before January 11, 2005 of their intention to make a presentation at the Town Hall Meeting pursuant to Commission letters dated December 3, 2004 (Exhibit A-7) or December 24, 2004 (Exhibit A-16) will make their presentations to the Commission Panel. Others may speak to Commission Counsel at the Town Hall Meeting with regard to making a presentation provided time permits. Presentations will be limited to 10 minutes. A transcript will be made of the presentations and they will form part of the record of the proceedings. For further information please see Exhibits A-7 and A-16 which can be found at the Commission's website: www.bcuc.com
- On January 17, 2005, the Hearing will commence at 8:30 a.m. on the Third Floor, 855 Homer Street, Vancouver. The presiding Chair of the Commission Panel will make an Opening Statement which outlines the nature of the Review, comments on issues of confidentiality, and addresses certain procedural matters for the Hearing, including anticipated sitting hours. For further information on procedural matters, please see Exhibits A-7 and A-16.
- BC Hydro, followed by Intervenors will then be called upon according to the Order of Appearances¹. When a participant's name is called, the participant or its counsel or representative comes forward stating for the record who they are or whom they represent.

¹ The Order of Appearances and Order of Cross-Examination will be co-ordinated by Commission Counsel, in consultation with participants. Commission counsel are Mr. Gordon Fulton and Mr. Paul Miller, who can be reached prior to the hearing at (604) 687-6789 or by email at gfulton@boughton.ca and pmiller@boughton.ca

- If any participant has a preliminary matter or motion that it wishes to address or bring at the commencement of the Hearing and prior to evidence being heard by the Commission Panel, the participant is encouraged to advise Commission Counsel and all other participants of that matter or motion by 4:30 p.m., Thursday, January 13, 2005.
- The Commission Panel will deal with any preliminary matters or motions prior to the hearing of the evidence of the first BC Hydro panel of witnesses.
- Counsel for BC Hydro will then make an Opening Statement identifying the BC Hydro witness panels and outlining the evidence expected from those panels. BC Hydro counsel will next call BC Hydro's first witness panel. The witness panel will be sworn and will then adopt² the pre-filed evidence that the witness panel members will be speaking to. Following the adoption of the evidence, one of the witnesses may have a short opening statement. The opening statement should not introduce new evidence.
- Following the opening statement of the witness panel, BC Hydro's witnesses are available for cross-examination. Commission Counsel cross-examines last. After cross-examination by Commission Counsel, the Commission Panel will ask any outstanding questions it may have.
- Following the questions of the Commission Panel, BC Hydro's counsel may have some clarification questions in re-examination. This is not an opportunity to supplement evidence or provide new evidence.
- Following the conclusion of the cross-examination of all the BC Hydro witness panels, Intervenor's who pre-filed evidence will be called in an order prearranged with Commission Counsel. The Intervenor's witness panel members will be sworn, then asked to adopt the Intervenor's evidence and be allowed to make an Opening Statement. Following any Opening Statement, the Intervenor's witness panel becomes available for cross-examination by other parties. In this instance, counsel for BC Hydro will cross-examine second from last, followed by Commission Counsel and the Commission Panel. Counsel for the Intervenor may then re-examine for purposes of clarification or explanation.
- Participants who do not wish to cross-examine or provide Final Argument may make a statement of their views on the Review at some convenient time in the proceeding. Presentations will be limited to ten minutes. Parties wishing to schedule presentations should contact Commission Counsel prior to the commencement of the Hearing.
- Participants may provide written statements as Letters of Comment to the Commission at any time up to the completion of the evidentiary portion of the Hearing, but are encouraged to provide Letters of Comment no later than the commencement of the Hearing.
- When the oral testimony of all the witnesses has been completed, and, subject to any filing of answers to outstanding undertakings made during the Hearing, the evidentiary portion of the Hearing is at an end and the Final Argument phase commences. Final Argument may have a written and oral phase. Whether Final Argument is written or oral, the sequence of the Final Argument on the Review will be BC Hydro followed by Intervenor's followed by reply by BC Hydro. The form of Final Argument will be determined by the Commission Panel.

² Adoption of evidence means that you confirm under oath that you have read the evidence you filed and that you adopt it as your own. This process does not enable you to repeat the evidence. The Commission will issue a Pre-filed Exhibit List of the pre-filed evidence that will constitute the start of the public record at the commencement of the hearing.

- If the Commission Panel orders written Final Argument, following the delivery of the Final Argument, including any Reply Argument of BC Hydro, the Commission Panel may hold an Oral Phase of Argument. The purpose of this phase is to allow the Commission Panel an opportunity to ask any questions the Commission Panel may have arising from the written Final Arguments. Participants are not allowed to reargue their respective positions taken in Final Argument during this phase. Nor are participants allowed to comment on the Final Argument of others during this phase unless asked to do so by the Commission Panel. The Commission Panel may not have questions of all participants.

DEFINITIONS

Commission Counsel

Commission Counsel advises the Commission Panel on legal matters, including the conduct of the Hearing. Commission Counsel can also cross-examine the witnesses of BC Hydro and Intervenors in order to obtain evidence needed for the Commission Panel to arrive at a decision. Commission Counsel usually questions witnesses after all other parties have finished their cross-examination. Commission Counsel does not play an adversarial role and does not oppose or support either BC Hydro or any Intervenor. Commission Counsel is also responsible for any issues related to scheduling of witness panels and the order of cross-examination. Commission Counsel is available to assist Participants who have questions related to the Hearing process.

Commission Panel

The Commission Panel hearing the Review consists of Commissioner Robert Hobbs, who is Chair of the Panel and Commissioner Lori Ann Boychuk. The Commission Panel will hear all the evidence and will decide whether or not to accept the EPA. During the hearing of the evidence, the Commission Panel may ask questions of BC Hydro, the Intervenors and others presenting evidence. The Chair will ensure a fair process and an efficient Hearing. During the Hearing, the Chair may make procedural orders and may limit cross-examination and the duration of presentations.

Commission Staff

The Commission Panel has the assistance of economists, accountants and engineers who advise Commission Panel members on technical matters.

Court Reporters

The Commission has contracted with Allwest Reporting Ltd. to make verbatim transcripts of the oral evidence at the public hearing. Active Intervenors in the Hearing are entitled to receive one hard copy and an electronic copy of each day's proceedings later that same day, at no cost. Intervenors are required to make transcript requests in writing to the Commission by January 13, 2005. Electronic copies will be available by disk, e-mail or downloading from the Internet. A copy of the daily transcript of the proceedings will also be available for review in the Resource Area at the Hearing.

Cross-examination

Cross-examination is the questioning of another party's witness. BC Hydro and Intervenors have the opportunity to question the other parties' witnesses. Parties who support the testimony of a witness or a witness panel should not expect to cross-examine that witness or witness panel.

Evidence

Evidence may be in written or oral form. It provides the factual basis for the Commission Panel's decision. The evidence includes the pre-filed evidence from BC Hydro and Intervenors, responses to Information Requests, documents filed at the Hearing, and the oral testimony of witnesses. Participants may sometimes file rebuttal evidence in response to the evidence of another participant. Oral evidence is usually given under oath. New written evidence can only be filed at the Hearing with leave of the Chair. Any Intervenor who has filed evidence is expected to appear at the Hearing to adopt the filed evidence.

Interested Parties who wish to make a statement can do so at the Hearing or at the Town Hall Meeting. Alternatively, individuals can submit written statements as Letters of Comment, which will form part of the E class of Exhibits at the Hearing. Individuals making such statements at the Hearing or submitting Letters of Comment are not normally required to do so under oath or undergo cross-examination.

Examination-in-Chief

This is the first questioning of a witness by the lawyer or representative who called the witness to testify. Since the evidence will have been pre-filed in these proceedings, the Commission generally limits examination-in-chief to the adoption of the written evidence and the correction of any errors in the written evidence.

Exhibit List

A listing of all the documents that have been filed in the proceeding, which is updated as the hearing proceeds. Documents are to be filed pursuant to the Commission's Document Filing Protocols. The Exhibit List and the Document Filing Protocols are available in the Resource Materials Room adjacent to the Hearing Room.

Final Argument

Final Argument is made at the end of the evidentiary part of the Hearing (after all witnesses have testified). It is a summary of a party's position on the Review, based on the evidence presented. New evidence cannot be introduced in Final Argument.

Hearing Officer

The Hearing Officer is in charge of all physical arrangements for a hearing. He or she receives and records all exhibits, gives the oath to witnesses and generally contributes to the efficient functioning of the Hearing. Mr. Hal Bemister of Allwest Reporting Ltd. is the Hearing Officer for the Hearing.

Intervenors

Intervenors are parties to the proceeding who have been granted Intervenor status. They have the right to cross-examine witnesses, present their own witnesses, bring motions, and make Final Argument. Intervenors should only cross-examine parties who are adverse in interest to them. In a large hearing, Intervenors who have similar interests to other Intervenors may adopt the views of those with whom they share similar interests.

Opening Statements

Opening Statements fall into three categories. The first is the Opening Statement of the Panel Chair which outlines the nature of the proceedings and addresses certain procedural matters. The second is the Opening Statement made by a participant or its representative immediately prior to that participant calling its evidence. It outlines the position of the participant on the matters that are to be decided by the Commission and generally

identifies the witness panels or witnesses that the participant intends to call. The third category is the Opening Statement of a witness panel or a witness. It is a short statement of the position of the witness or witness panel. A witness panel or witness may choose not to make an Opening Statement.

Re-Examination

Re-examination provides a limited opportunity for the party calling a witness or witness panel to have the witness clarify or explain matters that have arisen during cross-examination. It is not for the purpose of supplementing evidence or providing new evidence.

Review

Review means the Commission's review of the Electricity Purchase Agreement ("EPA") filed with the Commission on November 19, 2004 by BC Hydro pursuant to section 71 of the *Utilities Commission Act* ("Act").

It is up to BC Hydro to make its case to the Commission Panel based on all the evidence presented at the Hearing. BC Hydro has the choice of how to present its case, what witnesses it wishes to call and the order of presentation of its evidence. BC Hydro's witness panels normally follow each other. Exceptions to the usual order may be made where it becomes necessary to accommodate the schedule of an Intervenor's out of town witness. In such circumstances Commission Counsel must first be consulted. Commission Counsel will attempt to reach an agreement with BC Hydro's counsel, but if no agreement can be reached, an application may be made to the Commission Panel.

FREQUENTLY ASKED QUESTIONS

What should I do if I cannot attend on the first day of the Hearing?

On the first day, Commission Counsel will call for appearances from BC Hydro and everyone who is registered as an Intervenor. If you are unable to be present, you will not be called on in subsequent days for cross-examination, argument, etc., unless you have made other arrangements with Commission Counsel. If you wish to be active in the Hearing but cannot attend the first day or any other day of the Hearing, you should advise Commission Counsel.

What should I do if I only have questions for one witness panel and don't want to be there for the whole Hearing?

It is not known in advance how long each witness panel will take so it is difficult to predict when each new witness panel will start. You should advise Commission Counsel of the witness panel(s) you want to question prior to entering your appearance on the first day. However, Commission Counsel is not responsible for contacting you to advise you when to attend. You are encouraged to monitor the proceedings by contacting people who are in attendance at the Hearing to see when the witness panel you are interested in might be on the witness stand. Commission Counsel will attempt to accommodate the scheduling of your cross-examination time, but you should be aware that the timing of witness panels is often a fluid matter once a hearing starts.

Is this Hearing like a trial where the witnesses testify and go through all of their evidence before Intervenor's can ask questions?

No. Written “direct” evidence will already have been submitted to the Commission before the Hearing. This helps to streamline the oral phase of the Hearing. Neither BC Hydro nor Intervenor's go through their written evidence again on the witness stand, except to make any necessary corrections to their pre-filed evidence. When a witness is called to testify at the Hearing, the witness adopts the pre-filed evidence under oath. The written evidence then has the weight of sworn evidence. Once the witness takes the stand and adopts his or her evidence with any necessary corrections, and following any opening statement from the witness or witness panel, the next step is to allow Intervenor's to cross-examine in the case of a BC Hydro witness or witness panel and the other Intervenor's and BC Hydro's's counsel to cross-examine in the case of an Intervenor's witness or witness panel. Commission Counsel may then cross-examine, followed by questions from the Commission Panel. Re-examination by the party calling the witness or witness panel then takes place.

What happens if I can't attend on the day when it's my turn to ask a witness panel questions?

You must make prior arrangements with Commission Counsel or you may miss your opportunity to cross-examine that witness panel. Although efforts will be made to accommodate the schedules of participants, it may not always be possible given the number of parties in this Hearing. If you are unable to make arrangements for a time to cross-examine that is convenient for you, BC Hydro and the Commission Panel, you may miss your opportunity to cross-examine that witness panel.

Can someone else ask questions on my behalf?

Yes. Your representative can ask questions on your behalf but others cannot. However, it is permissible for Intervenor's to work together on questions and to have one Intervenor ask questions that are of interest to a number of Intervenor's. It doesn't matter which Intervenor asks the question because the questions and answers become part of the evidentiary record regardless of who asks them.

Can I cross-examine someone who hasn't filed evidence?

The purpose of cross-examination is to test the evidence that is on the record. Anyone who has not filed evidence is not normally subject to cross-examination. A party can request the Commission to make an order requiring a person to attend a hearing to give evidence but the party must make a motion and satisfy the Commission that such an order is appropriate.

What should I do when I disagree with one of the answers I receive when I am cross-examining?

Since the witness and the person cross-examining are adverse in their interests (i.e. the cross-examiner is opposed to the position of the witness) such disagreement is to be expected. However, it is not appropriate to argue with a witness during cross-examination or to give your opinion to the Commission Panel on the answers you are receiving, unless you are seeking to establish that the answers are not responsive to your questions. Your interpretation of the answers of the witness panel and your opinion on them should be saved for the Final Argument phase of the Hearing.

What is the difference between cross-examination and argument?

The purpose of cross-examination is to test the evidence of the witnesses who are testifying. This means the witnesses can be asked questions on their evidence and be challenged on its strength and veracity. Argument comes at the end of the Hearing. The purpose of Argument is to present your views and opinions on the evidence to the Commission Panel after the Panel has heard all of the evidence. Therefore, your personal views, opinions and interpretation of filed evidence should be saved for the Argument phase of the Hearing.

I filed written evidence. Do I have to take the witness stand?

If you have filed written evidence, you are expected to adopt that evidence under oath. If you do not adopt your evidence under oath, it will remain on the record unless the Chair grants a motion for it to be struck. However, you should be aware that unsworn evidence has less weight than sworn evidence. There may or may not be parties who wish to cross-examine you on your evidence. If someone asks to cross-examine you, you must be prepared to attend the Hearing and submit to cross-examination on your evidence. If you decline to attend for cross-examination when a request has been made to cross-examine you, your evidence can be struck from the record or the Commission Panel may choose to attach little or no weight to your evidence.

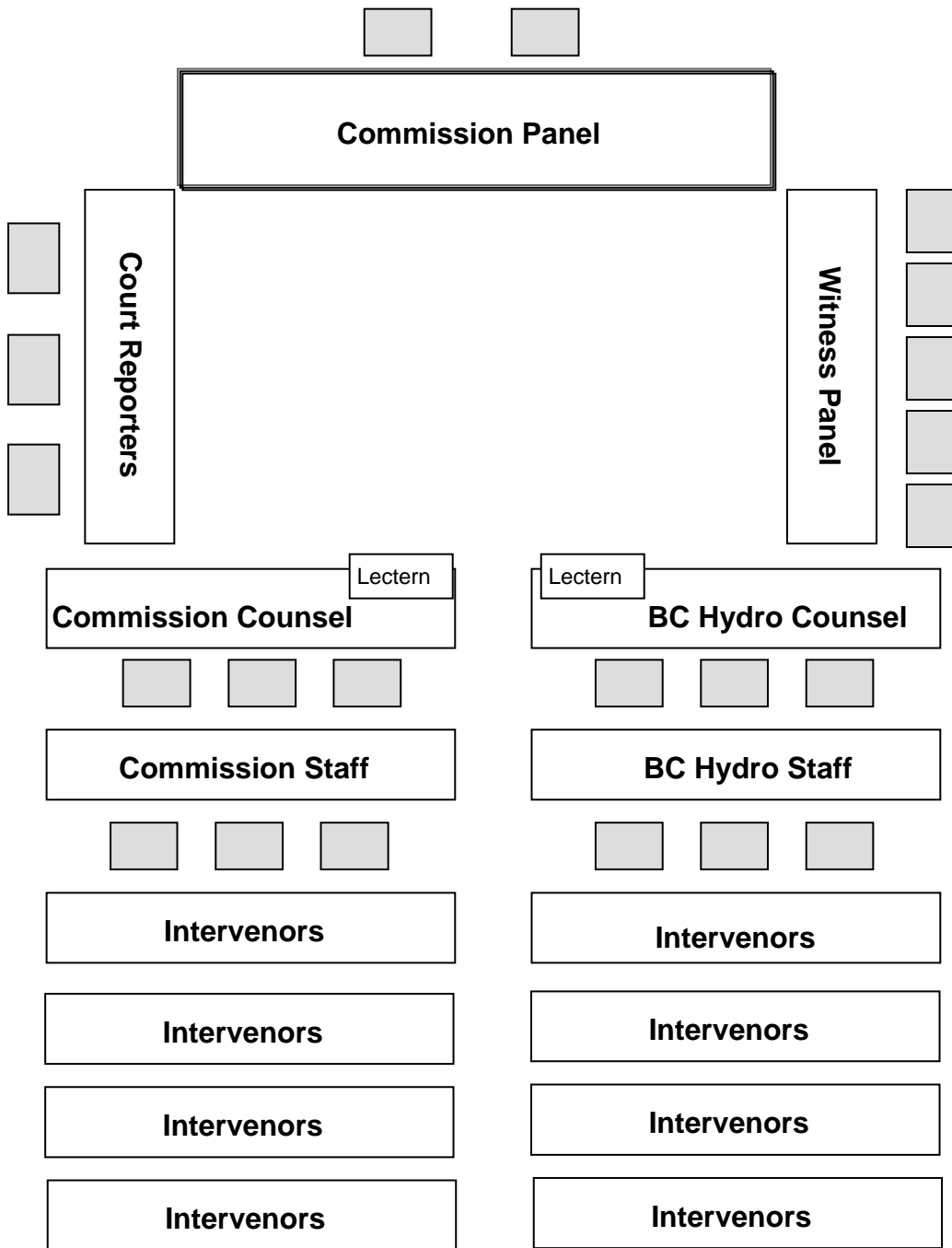
Interested Parties who make a statement of their views on the Review at the Hearing or submit written Letters of Comment are not normally required to do so under oath or undergo cross-examination.

Yours truly,

Original signed by:

Gordon A. Fulton
Commission Counsel

HEARING ROOM SEATING CONFIGURATION



Notes:

Intervenors will cross-examine from the lectern at the Commission Counsel table.
When Intervenor witnesses are giving evidence, their counsel will use the lectern at the BC Hydro counsel table.