

BRITISH COLUMBIA UTILITIES COMMISSION
IN THE MATTER OF THE *UTILITIES COMMISSION ACT*
R.S.B.C. 1996, Chapter 473

and

Re British Columbia Transmission Corporation
Project No. 3798395/Order No. G-70-05
Certificate of Public Convenience and Necessity Application
Vancouver Island Transmission Reinforcement Project

REPLY SUBMISSION OF
TSAWWASSEN RESIDENTS AGAINST
HIGHER VOLTAGE OVERHEAD LINES SOCIETY
ON ITS S. 25 COMPLAINT

May 12, 2006

A. REPLY TO BCTC ON TRAHVOL'S COMPLAINT

1. As a preliminary matter, it must be emphasized that, if this Commission ultimately approves the VITR application, the only remaining 138kV line through Tsawwassen would be 1L18, which is therefore the proper focus of this Complaint. If the JDF and/or "VIC-like" projects were ultimately approved by the Commission, then the removal of both 1L17 and 1L18 would be at issue, but BCTC has conceded that redundant power could be supplied to the Gulf Islands from Vancouver Island in such a scenario (*see TRAHVOL Final Argument, para. 144*), such that there would be no impediment to the removal of both lines.

2. BCTC continues to deny that the existing lines through Tsawwassen are "unique", except to the extent of conceding that there are unusual barriers to access given the number of fenced yards under the ROW (*BCTC Reply Argument, paras. 8, 211(f)*). BCTC relies solely on unsubstantiated anecdotal evidence to suggest that there are other homes on the transmission system which are located on a Right of Way and have EMF levels higher than those in Tsawwassen. However, despite ample opportunity to adduce supporting evidence, none was provided. Moreover, Mr. Barrett conceded under cross-examination (immediately after the passages relied on by BCTC at para. 211(f) of its Reply Argument) that:

....this is the first place I've seen where for several blocks virtually every house is, if not on the right of way, it's within one pace of the right of way.

(TR 15, p. 2508, lines 7-10)

3. BCTC submits that TRAHVOL relies on the "incorrect premise" that individuals living under the existing lines are exposed to EMFs above "typical levels", and cites (once again) the ICNIRP guidelines, arguing that exposure levels under the existing lines are within the 833 mG limit. (*BCTC Reply Argument, para. 34*)

4. Such an argument is, at best, misleading. It is well-established (and conceded by BCTC's own consultant, Dr. Erdreich) that "typical exposure" levels in North America are 1-2

mG (and, in specific reply to para. 211(b) of BCTC's Reply Argument, it is for exposure at those "typical levels" that Health Canada has determined that guidelines are unnecessary) Residents along the ROW are consistently being exposed to levels in their homes in excess of 25 mG. The potential health effects from such exposure levels have not been studied.. (See *TRAHVOL Final Argument, paras. 40, 52, 66, 139*)

5. Contrary to the suggestion at paragraph 42 of BCTC's Reply Argument, there is evidence before this Commission that the cancer rates along the lines are higher than those in the general population (See *Ex. C40-9*). But in any event, TRAHVOL does not put forward the evidence of illnesses along the line as scientific proof of adverse health effects from EMF. Rather, it is to demonstrate the anxiety and guilt that is visited upon a community as a result of the scientific uncertainty around the possible health effects of EMF, which reinforces the need to apply the precautionary principle and a policy of prudent avoidance. A proper health study of the residents along the lines is quite obviously beyond the means of TRAHVOL and the time limitations of this proceeding.

6. BCTC accuses TRAHVOL of being "selective" with its treatment of the scientific evidence concerning the adverse health effects of EMF (*BCTC Reply Argument, para. 43*). In fact, TRAHVOL has readily acknowledged that there is considerable uncertainty around that evidence, and explicitly referenced, for example, the inconsistent results from the breast cancer studies - see *TRAHVOL Final Argument, para. 45*. It is precisely that uncertainty (and the scientific results that cannot, in the words of the California Public Utilities Commission, be "responsibly ignored") which demands the application of the precautionary principle and this Commission's policy of prudent avoidance in addressing this Complaint.

7. In that regard, this Commission's Inquiry and subsequent Order respecting the undergrounding of the 230 kV transmission line along Boundary Road does not support BCTC's argument (@*para. 211(c)*) that this Commission has determined that its policy of prudent avoidance will not be applied to move (or remove in this case) existing facilities. The undergrounding of the Boundary Road line arose from concerns about beautification and

aesthetics, not EMF (*see Ex. A2-2, p.11*).

8. The precautionary principle should also be applied in respect of the seismic stability of the existing wooden poles, given that is simply not known how the poles will hold up in a major seismic event, and at least one BCTC witness expressed a concern about safety under cross-examination. (*TRAHVOL Final Argument, para. 138*). It is not incumbent upon the residents of Tsawwassen to establish that they are safe.

9. BCTC seeks to pervert the precautionary principle by suggesting that scientific uncertainty cannot justify the relocation of the lines, as it is based “on the fallacy that scientists are waiting for scientific certainty that will one day be revealed” (*BCTC Reply Argument, para. 48*). The premise behind the precautionary principle is that in cases where scientific certainty has not been established (or, indeed, may never be established), one should not use that lack of certainty as an excuse not to take action to reduce the potential risk of harm. In other words, it is very much the uncertainty which in and of itself provides the basis for taking, according to the World Health Organization, “low cost” measures to prevent potential harm (*See Ex. B1-109*).

10. Accordingly, the fundamental question raised by this Complaint, and entirely avoided by BCTC in its Reply Argument, is whether, in furtherance of the precautionary principle and the Commission’s policy of prudent avoidance, there are low cost measures which can be implemented to supply redundant power to the Gulf Islands if IL18 is removed from ARN to GAL.

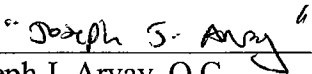
11. BCTC dismisses TRAHVOL’s arguments on this central issue as “pure speculation”. (*BCTC Reply Argument, para. 211(l)*). There is no merit to BCTC’s position, and it has simply ducked the issue. The existence of the Asset Retirement Obligation Fund for each of IL17 and 1L18 is a matter of evidence, and should not be controversial (*see TRAHVOL Final Argument, para. 141*). TRAHVOL’s proposal to leave IL18 in place between VIT and SAL as a low-cost alternative to supplying redundant power to the Gulf Islands is based on the options that BC Hydro has itself canvassed. It is acknowledged to be “technically and economically feasible”.

BCTC has provided absolutely no response to suggest that it is not a low-cost measure.

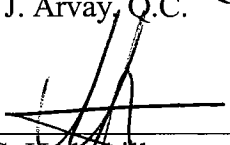
*See Ex. B1-6, BCUC 1.34.1, Part 4 "230kV Transmission Circuit from Arnott to VIT",
BC Hydro Report SP2003-04, pp. 2, 5, 8; Ex. B1-6, BCUC 1.44.1*

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Vancouver this 12th day of May, 2006.



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Higher Voltage Overhead Lines Society