

MURDY & McALLISTER

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May 29, 2006

By E-mail

B.C. Utilities Commission
Box 250
6th floor, 900 Howe Street
Vancouver, BC
V6Z 2N3

Attention: Robert Pellatt, Commission Secretary

Dear Sir:

Re: BC Transmission Corporation
Application for CPCN for Vancouver Island
Transmission Reinforcement Project
Project No. 3698395
Order No. G-70-05
Our File No. 3727

This letter is being written further to the direction contained in Exhibit A-78 concerning the filing of motions related to the record.

In Exhibit B1-134, BCTC provided a response to the request made between Transcript volume 17, page 3016, line 26, and page 3019, line 26 concerning the production of the existing transmission access agreement over the Tsawwassen First Nation ("TFN") lands. While BCTC's response was accurate in the sense that BCTC and the Corporation of Delta were unable to "reach an accommodation" concerning production of the agreement, it did not address the issue in a substantive manner by producing the requested materials.

Item 8 of Exhibit A-78 raises the issue of whether an adverse inference can be drawn concerning the non-production of the TFN access materials and, if so, against which party. While Delta believes that an adverse inference can and should be drawn against BCTC, out of an abundance of caution, and in order to allow the completion of the record on this point, the Corporation of Delta will seek at the

opening of the oral phase of this proceeding the production by BCTC of the existing transmission access materials related to the TFN lands.

Yours truly,

MURDY & McALLISTER

James G. Yardley

JGY/kc

c.c. Sandy Carpenter, Fasken Martineau DuMoulin
Marcel Reghilini, BCTC
Registered Intervenors