



Our File No.: 1010-003
October 14, 2011

VIA EMAIL

Ms. Alanna Gillis
Acting Commission Secretary
British Columbia Utilities Commission
Sixth Floor – 900 Howe Street
Vancouver, British Columbia V6Z 2N3

Dear Ms. Gillis:

**Re: Project No. 3698640
British Columbia Utilities Commission (BCUC)
British Columbia Hydro and Power Authority (BC Hydro)
Application for a Certificate of Public Convenience and Necessity (CPCN) for the
Dawson Creek/Chetwynd Area Transmission Project (DCAT)
BC Hydro Response to WMFN Request for Access to Confidential BCUC IR (Exhibit B-11)**

This letter is in response to BC Hydro's letter of October 14, 2011, relating to West Moberly First Nations' (WMFN) request for access to BCUC's confidential information request (IR) of October 6, 2011. We reiterate at the outset that our initial request, and the comments that follow in this letter, pertain only to those IR which relate to WMFN interests.

As a starting point, we see no objection in Exhibit B-11 to WMFN being given access to the IR themselves. BC Hydro's concerns relate to its responses to those IR. As such WMFN reiterates its request for access to the IR.

WMFN does not in principle oppose BC Hydro's suggestion to review the IR's and propose different treatment of each depending on the category under which each falls. However, WMFN strongly submits that it must be provided the IR so that it can comment on BC Hydro's position respecting each (i.e. which of the categories it applies to each IR).

For example, WMFN should be given the opportunity to comment on whether certain information related to WMFN should be made public.

Similarly, WMFN also objects to any of the IR relating to its interests being withdrawn at the request of BC Hydro, without being given the opportunity to comment. The balance of interests and fairness require it.

One purpose of regulatory hearings and oversight is to test the assertions of the proponent and put them to the scrutiny of the public and interested parties. Transparency, not only of those proceedings, but of the proponent's conduct leading up to the proceedings, is paramount. This is essential, not only,

as stated by BC Hydro, to maintain the fairness and integrity of the process, but also to adhere to the broader principles of fundamental justice.

Sincerely,
RANA LAW



Emily A. Grier

CC: BCUC Distribution List