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Our File No.: 1010-003
April 3, 2012

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)
Comment on BC Hydro Request to Reactivate Hearings – Exhibit B-22 and Exhibit A-25

In response to BC Hydro's request to reactive the regulatory hearings [Exhibit B-22] and the BCUC's request for comments [Exhibit A-25], West Moberly First Nation (WMFN) makes the following submissions.

WMFN confirms that the Nation and BC Hydro have come to an agreement on the outstanding Capacity Funding Agreement and for the terms of reference and conduct of the Impact Assessment Study (IAS). The IAS is currently underway; according to the current schedule, the Draft Report is due May 31, 2012 and the Final Report will be complete by June 30, 2012. At current progress, WMFN believes the IAS Draft and Final Reports will be completed as scheduled.

At the present time, WMFN anticipates leading intervenor evidence. However the nature, extent, and content of its evidence are dependent on the results and Final Report of the Impact Assessment Study (IAS) currently being conducted. As you will recall, the crux of WMFN's outstanding adjournment application was that it was necessary for the results of the IAS to be put in evidence in order for a full and fair hearing on all the issues to be conducted by the BCUC.

When the regulatory hearing was suspended at BC Hydro's request, WMFN asked for consideration of the adjournment application to be reserved until the hearings resumed. At present, it is not clear whether it is necessary for the BCUC to consider and decide upon the outstanding adjournment application.

Upon the anticipated reactivation of the DCAT hearings, the BCUC will need to establish a revised regulatory schedule. It remains WMFN's position that the IAS Report must be put in evidence before the BCUC, thus WMFN will not be in a position to lead its evidence prior to completion of the IAS Final Report at the end of June. Therefore, WMFN submits that, provided the revised regulatory schedule sets a deadline for submission of intervenor evidence at July 6, 2012 or later, it is not necessary for the BCUC to consider or decide the outstanding adjournment application. If the deadline for intervenor

evidence is set earlier than July 6, 2012, WMFN's ability to submit evidence will be prejudiced, and it reserves the right to ask the BCUC to consider and decide the adjournment application.

A significant volume of new information was recently tendered by BC Hydro which has the potential to impact the scope and issues of the CPCN Application. Additionally, eight new intervenors have joined the proceedings and there has been a significant passage of time since the former procedural schedule was established. In light of these circumstances, WMFN believes the procedural conference proposed by the BCUC for April 16, 2012 is necessary in order to fully flesh out the implications of BC Hydro's submissions, to determine the issues remaining to be decided by the BCUC, the procedural steps required to examine those issues, and to determine a revised regulatory schedule.

The past four months have been afforded to BC Hydro allowing it to make significant additions to and prepare further evidence for the DCAT CPCN Application, and allowing for the inclusion of eight additional intervenors, primarily from industry. Now that it has its ducks in a row, BC Hydro requests this matter be determined expeditiously and asks for a final disposition as soon as possible, citing the urgency in connection with this application. WMFN submits sufficient time must be provided to the other parties to allow all other aspects of this matter and the regulatory process to unfold before the BCUC in a reasonable and reasoned fashion.

Sincerely,
RANA LAW

Emily A. Grier

CC: BCUC Distribution List