

July 12, 2012

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FILED

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

Dear Ms. Gillis:

**RE: Project No. 3698640  
British Columbia Utilities Commission (BCUC)  
British Columbia Hydro and Power Authority (BC Hydro)  
Application (the Application) for a CPCN for DCAT Project  
Flyover DCAT Project Area**

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We have reviewed Ms. Rana's letter of this morning relating to the flyover by the Commission. BC Hydro opposes any suggestion that the flight extend to view Stewart Lake or any other area not included within the DCAT Project area.

BC Hydro has attempted to obtain information from WMFN relating to areas of particular interest to it in the context of the Treaty process ever since the issue was first raised by WMFN in a July 18, 2011 letter from Chief Wilson. BC Hydro has sought to obtain additional information regarding these locations on numerous occasions over the ensuing year but WMFN has consistently declined to provide any information relating to the location of Treaty Land Entitlements under discussion (most recently on June 25, 2012) on the basis that information was proprietary. BC Hydro was pleased to be provided with some information in this regard for the first time during the course of WMFN's testimony and looks forward to working with WMFN to understand the significance of this information, if any, in the context of the BC Hydro's ongoing consultation in connection with the DCAT Project. However, that ongoing process will not form part of this proceeding.

The Commission has asked and BC Hydro and WMFN have agreed to the Commission taking a view of the Project route including potential substation locations. The only area not directly on the route that the Commission has asked to see is the confluence of the Pine and Murray Rivers. WMFN highlighted the importance of that location and BC Hydro indicated the route avoids it so BC Hydro accepts that the flyover will help the Commission form its own view in that regard. Stewart Lake on the other hand is 20 km from the route, was mentioned for the first time during WMFN's oral testimony and there is no evidence linking

that site to the DCAT Project. Accordingly, there is no evidentiary basis for the Commission to view it.

In short, the only proper purpose for the flyover is for the Commission to obtain context that will assist it in understanding what it has already heard in evidence, as opposed to hearing evidence about new matters. Some general comments of one party relating to Stewart Lake do not provide the evidentiary base to permit the Commission to obtain any useful context by flying over that location.

Yours very truly,

LAWSON LUNDELL LLP

*“Chris W. Sanderson, Q.C.”*

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CWS/tss