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VIA E-MAIL

June 30, 2009

SECTION 5
TRANSMISSION INQUIRY EXHIBIT A-16

To: Long-Term Transmission Inquiry Participants

Re: British Columbia Utilities Commission
Project No. 3698545/Order G-30-09
Inquiry into British Columbia's Long-Term Transmission Infrastructure

Procedural Conference

At the Procedural Conference held on June 24, 2009 to address the scoping issues related to the Long-Term Electricity Transmission Inquiry, counsel for the Shishalh First Nation, Tahltan Tribal Council, Nlaka'pamux Nation Tribal Council and the Okanagan Nation Alliance proposed that the Inquiry should proceed with another Procedural Conference "...on the specific issue of First Nations' interest and how the duty to consult will be fulfilled" (T2:212). Several Participants addressed the issue of whether there exists, and if so to what extent, an obligation on the part of the Inquiry Panel to consult with First Nations. Those Participants who addressed it generally supported the proposal for a subsequent Procedural Conference on these matters.

Counsel for the Hwilitsum First Nation noted that the need to have a further meeting addressing First Nation's issues had been raised and said that the Hwilitsum First Nation would be willing to participate fully in such a meeting (T2:333).

British Columbia Hydro ("BC Hydro") supported the idea of a further Procedural Conference and proposed that the specific issues that should be addressed are, specifically:

- What, if any, is the duty to consult and accommodate with respect to the Section 5 (transmission inquiry) determinations?
- If there is a duty to consult, how would that duty be fulfilled? (T2:349)

Counsel for British Columbia Transmission Corporation submitted that, not only should parties provide the Panel with their submissions on what the Inquiry Panel legally must do, but also should provide their submissions on how the Panel can accomplish the task that is before it (T2:356-357).

Commission counsel suggested that there may be some further sub- categories of the two issues raised by BC Hydro counsel that Participants may wish to address at the Procedural Conference (T2:361).

The Inquiry Panel has considered the matter and has concluded that a process including both written submissions and another procedural conference would be helpful to address the following questions:

- What, if any, is the duty to consult with First Nations and accommodate with respect to determinations of the Long-Term Electricity Transmission Inquiry?
- If there is a duty to consult, how would that duty be fulfilled and how can it best be fulfilled such that the Panel can also fulfill its legal requirements to hold an Inquiry and complete its draft report by June 30, 2010?

Additionally, the Inquiry Panel is prepared to allow Participants to address any sub-categories of these questions that Participants may identify.

Therefore the Panel is establishing a further round of written submissions on the above questions to be followed by reply submissions and a Procedural Conference. The Timetable for this process is set out below:

<u>ACTION</u>	<u>DATE (2009)</u>
Written Submissions by all Participants on the above questions (including on any sub-categories of the questions that the Participants identify)	Friday, July 24
Reply submissions by all Participants to the submissions of others	Friday, July 31
Procedural Conference	Tuesday, August 18 and Wednesday, August 19

The Inquiry Panel presently contemplates that the Procedural Conference will proceed in a manner similar to that used for the Oral Argument Phase of proceedings before the Commission. For those unfamiliar with proceedings before the Commission, during the Oral Argument Phase, parties do not repeat their written submissions, but answer questions that the Panel may have arising from the written submissions.

The Inquiry Panel is also prepared to consider any suggestions for presentations by First Nations at the Procedural Conference on how the duty to consult, if any, can be best fulfilled in the context of the Inquiry. Participants should address this issue in their written submissions, so that other Participants have an opportunity to respond in their reply submissions.

Yours truly,

Original signed by:

Erica M. Hamilton

JWF/dg

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