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BC First Nations Energy and Mining Council  
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V7T 1A2

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October 8<sup>th</sup>, 2009

BC Utilities Commission  
Commission Secretary, Erica Hamilton  
Sixth Floor, 900 Howe St.  
Vancouver, BC V6Z 2N3

Via e-mMail: [Commission.Secretary@bcuc.com](mailto:Commission.Secretary@bcuc.com)

RE: Section 5 Transmission Inquiry Scheduling

Dear Ms. Hamilton,

In light of current filing delays by BC Hydro and BCTC and the impacts those delays will have on First Nations and other inquiry participants, the FNEMC wishes to formally express concerns regarding the Inquiry schedule, and to offer recommendations for changes to that schedule.

Initial submissions from BC Hydro and BCTC due September 18<sup>th</sup>, have been delayed and are still outstanding we now understand that filings may not be made until late October. The second round of BC Hydro/ BCTC First Nations consultations were initially set to begin in early October, anticipating that First Nations would have a reasonable period of time between filing of the submissions and the Round 2 meetings in which to assess the submissions and respond to them on an informed basis. Given the delays in filing, the Round 2 meetings were earlier postponed to begin October 14 and continue through November. Continuing delay requires that BC Hydro/ BCTC must consider further postponement to allow First Nations time to assess their submissions, or the agenda and objectives of Round 2 meetings will inevitably be limited.

Scheduling of the BCUC regional hearings from mid-October through late November further adds to the problems for First Nations participants. BC First Nations Energy and Mining Council has previously expressed its concern with the Round 2 BC Hydro meetings and the BCUC regional hearings occurring during the same period. If BC Hydro meetings are now delayed to begin early November and the BCUC meetings continue throughout the same month, the issues of compression, confusion and duplication for participants will become even greater.

The BCUC regional hearings were also scheduled in anticipation of all participants and interested parties having at least 3-4 weeks to review initial utility submissions and assess and comment on those to the Commission. The delay in utility filings has now eliminated that possibility, at least for the first several regional meetings. We request that BCUC reschedule regional hearings to begin no earlier than one month after initial filings by the utilities.

The BCUC Inquiry schedule also provides for filing of further submissions by BC Hydro/ BCTC and Fortis by late November. That date would allow participants reasonable time to assess and respond to the September filings, and allow the utilities themselves to hear informed input at the regional hearings and incorporate that into the November filings. Like each of the earlier steps, the objectives and content of the second utility submissions will be compromised by the initial filing delays.

Without addressing them in detail, it is clear that each successive step in the Inquiry process will be similarly affected. The BCFNEMC submits that the full Inquiry schedule must be re-assessed, and a request for extension of the reporting deadlines should be submitted to the Provincial Government. Failing this, in our view, the ability of First Nations and other interveners to effectively participate will be seriously limited.

We respectfully request that the Commission propose to government a minimum two month extension to the Inquiry deadlines, and that the Commission then correspondingly adjust all steps in the process leading up to the draft report. In our view, these delays should raise no particular adverse consequences or concerns to government.

We emphasize the urgency of decisions on these issues, and ask that the Commission move as quickly as possible to seek government approval. Detailed scheduling of the intervening process dates would be appropriate for discussion among all participants at the October 28<sup>th</sup> procedural conference.

This letter is sent without prejudice to First Nations rights and title, and is further to our previous submission that BC First Nations should have been meaningfully consulted in a timely manner on the terms of reference to this Inquiry.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Porter', with a large, sweeping flourish extending to the right.

Dave Porter, CEO  
BC First Nations Energy and Mining Council

Cc Minister Lekstrom, Ministry of Energy Mines and Petroleum Resources  
Sheila Reynolds, Manager Aboriginal and Corporate Relations, BC Hydro