

Community. Leadership. Pride.



July 11, 2019

British Columbia Utilities Commission  
Suite 410 - 900 Howe Street  
Vancouver, BC V6Z 2N3

Via Email: [commission.secretary@bcuc.com](mailto:commission.secretary@bcuc.com)

Dear Commission Secretary:

**RE: British Columbia Utilities Commission: Indigenous Utilities Regulation Inquiry  
Project No. 1598998**

The Westbank First Nation ("WFN") has been granted Intervener status with respect to the above-noted inquiry. As a Self-Governing First Nation, we have concerns with the asserted authority of the British Columbia Utilities Commission's ("BCUC") ability to insert their interest onto reserve lands, currently residing under federal jurisdiction. We believe that the BCUC should be engaging with Canada concerning this regulation inquiry.

At this early stage, we are interested in better understanding the status of Indigenous Utilities. Once a point of reference has been established, we can begin to engage in discussions of the pros and cons of BCUC as a 'potential' regulatory body. Why now, is the BCUC reviewing Indigenous Utilities?

We want to be involved in this inquiry and influence the outcome to protecting our Membership and government interests. If opportunities arise for WFN to operate a utility on reserve and deliver electricity to the greater area, or even our own reserve lands, our government may be interested in such an opportunity. If WFN can generate employment and training opportunities for our Membership, while becoming more energy efficient and reducing our overall environmental footprint, this is self-sufficiency.

On April 1, 2005, the WFN Self-Government Agreement was approved and given the force of law by the *Westbank First Nation Self-Government Act*. WFN has autonomy and control over its internal affairs. At the forefront of our government is our Membership, who drafted our WFN Constitution (the "Constitution") that guides the actions of the government.

Contained within the WFN Self-Government Agreement, under Part VI, is reference to the Constitution and the provisions to be contained within. The Constitution is a guiding document of the WFN Government and is supported by numerous internal documents all of which encompass WFN's broad policy objectives.

WFN has implemented a comprehensive range of laws that cover the development and regulation of WFN Lands (*s.60 of the Constitution*). All persons residing or conducting business on reserve are subject to WFN laws, which are enacted pursuant to the Constitution. The Constitution sets out principles and laws that provide a vision and foundation to guide social, economic, political and community development of WFN.

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WFN's mission statement is also entrenched within our Constitution whereby, WFN is committed to protecting the aboriginal rights of Westbank and its Members (s. 2.3), and WFN shall work to promote a healthy and prosperous future to ensure the continued existence of Westbank as a strong political, social and cultural community (s. 3.1). WFN values are founded on equality, honesty and fairness, respect, integrity, accountability and transparency, sustainability, understanding, confidentiality and efficiency.

WFN is comprised of five reserves totalling approximately 5,340 acres. Tsinstikeptum Reserves 9 and 10 border Okanagan Lake and are in close proximity to the Cities of West Kelowna and Kelowna. There are approximately 855 WFN Members, the majority of which reside on reserve. As referenced above, the Constitution guides the government, including Membership Rules (s. 5), which sets out entitlement, application process, etc.

WFN Lands are also home to approximately 10,000 non-Member residents on Tsinstikeptum Reserve 9 and 10. WFN, through its administration, operates and provides numerous local government services to both Members and non-Member residents including, but not limited to: Land Registry, First Nation Taxation Program, Non-Profit Housing, Long Term Care Facility, Daycare and Pre-school services, Church, Sensisyusten House of Learning (elementary school), Community Services, Youth Center, etc. and over 450 business.

All correspondence with respect to this inquiry can be addressed to the WFN Intergovernmental Affairs/ Title & Rights Department attention:

Raf De Guevara, Manager ([rdeguevara@wfn.ca](mailto:rdeguevara@wfn.ca)) and  
Jen Bellingham, Researcher/ Assistant Negotiator ([jbellingham@wfn.ca](mailto:jbellingham@wfn.ca)).

For further information, please visit our website [www.wfn.ca](http://www.wfn.ca).

Yours truly,

**WESTBANK FIRST NATION**



**RAF DE GUEVARA**  
Manager  
/jb