



By: Email

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BC Utilities Commission
410-900 Howe Street
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Attention: Commission Secretary

**Re: Kyuquot Power Ltd. – Investigation into the Safety and Reliability of the
KPL System – Project No. 1599094**

Dear Sirs/Mesdames:

We write further to BCUC Order G-65-21 (the “Order”), issued March 8, 2021.

Respectfully, KCFN requests a reconsideration of the Order for the reasons set out below. Specifically, KCFN requests that the sections 3 and 4 of the Order be amended to require that KPL obtain the permission of KCFN prior to accessing the GOLB Switch S3 and that only qualified personnel be permitted to access the S3.

KCFN’s involvement in the above-noted investigation has been driven by its long-standing desire to improve the safety and reliability of the KPL line as it relates to the KCFN’s community and infrastructure. The problems that KCFN have experienced over the years with respect to the power line are well documented in earlier submissions.

KCFN is concerned with two issues that arise from the Order which relate to both safety and jurisdiction.

The GOLB Switch S3 is installed on a KCFN owned power pole, and connected to KCFN owned conductors.

The ROW agreement, dated April 1, 2011, between KCFN and KPL does not apply to the section of powerline where S3 is located. As a result, it is the KCFN’s position that the provisions for mediation included within this agreement do not apply. The ROW



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agreement only applies to certain sections of Treaty Settlement Land over which KPL's line runs. The section of line S3 is connected to is not on Treaty Settlement Land, but is rather located within a Crown Corridor that KCFN holds a ROW agreement with the Province of British Columbia.

KCFN's position is that the only entity that KPL could legally enter into a ROW agreement with for this location is the Province of British Columbia.

It is KCFN's position that KPL currently has no legal claim to the KCFN-owned conductor that S3 is connected to and through which KPL is transmitting power through to downstream customers. Further, it is KCFN's position that, since KPL has no legal claim to this section of KCFN owned line, there is a jurisdictional issue with respect to the Order regarding the S3 switch.

KCFN are encouraged with the progress that has been made to date in this investigation, particularly the recognition that a single-lock joint operating agreement needs to be executed for the operation of S3. Notwithstanding the jurisdictional issue raised above, KCFN has been, and remains, willing to enter into a joint operating agreement because it would allow for safe operation of the switch by either party. The goal of KCFN is to improve safety with respect to the operation of the line, which is the basis for these submissions.

As has been well documented through this ongoing investigation, KCFN has requested that KPL enter into a joint operating agreement for S3 since it was first installed. KPL has so far declined to do so. Once a joint operating agreement is signed by qualified professional engineers representing both KCFN and KPL, KCFN has advised that it would provide a copy of the key for the lock on S3.

The material condition that has been stipulated by KCFN for such an agreement has been that KPL has a qualified professional engineer sign the agreement on their behalf, and that the switch only be operated by qualified personnel. Mr. Tom Burns, P.Eng. would sign the agreement on KCFN's behalf. Outside of an emergency, KPL would require authorization from KCFN prior to operating this switch.

It is important to note that KPL has an existing switch located in Chamiss Bay that they have historically used for isolating the Kyuquot Area. KPL would still be able to use this switch if they did not wish to obtain KCFN permission to open S3.



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KCFN would welcome an opportunity to provide further evidence and submissions on this matter for the Commission's consideration.

Yours truly,

Crabtree Law

Per: Andrew Crabtree

Copy: Counsel for KPL, David Austin