

BRITISH COLUMBIA UTILITIES COMMISSION
IN THE MATTER OF THE UTILITIES COMMISSION ACT
S.B.C. 1996, CHAPTER 473

and

**An Inquiry into British Columbia's Electricity
Transmission Infrastructure and Capacity Needs for the
Next 30 Years**

Vancouver, B.C.
April 27, 2009

PRE-HEARING CONFERENCE

BEFORE:

L. A, O'Hara,	Chairperson
D.A. Cote,	Commissioner
M. Harle,	Commissioner
R.K. Ravelli	Commissioner

VOLUME 1

APPEARANCES

G.A. FULTON, Q.C.	Commission Counsel
P. FELDBERG	British Columbia Transmission Corporation
C. GODSOE K. DUKE	British Columbia Hydro and Power Authority
R.J. McDONELL D. WATSON	FortisBC Inc.
P. DIMITROV	First Nations Energy & Mining Council
R. B. WALLACE	Joint Industry Electricity Steering Committee (JIESC)
J. SKOSNIK	Mining Contractors Association of B.C.
W. J. ANDREWS	B.C. Sustainable Energy Association (BCSEA), Sierra Club of British Columbia Chapter (SCBC) et al
G. MacINTYRE	Columbia Power Corporation
J. QUAIL	B.C. Old Age Pensioners' Organization, Council Of Senior Citizens' Organizations, Federated Anti-Poverty Groups Of B.C., West End Seniors' Network (BCOAPO)
F. KARABETSOS	TransCanada Energy
D. RAFAEL	Sunshine Coast Regional District
C. WEAVER	Commercial Energy Consumers of British Columbia (CEC)
P. COCHRANE	City of New Westminster - Electric Utility Commission
K.E. GUSTAFSON	City of Nelson
T. VULCANO	On his own behalf
D. PERTTULA	Terasen Gas Distribution Companies - Terasen Utilities
J. LEWIS	Energy Solutions for Vancouver Island Society (ESVI), Okanagan Environments Industry Alliance (OEIA), Island Transformation Org (ITO) and rental Owners and Managers Society of BC (ROMS BC)
D. AUSTIN	Independent Power Producers Association of British Columbia (IPPBC)
S. LEE	Splats'In First Nation
N. HEAP	David Suzuki Foundation
R. HEASLIP	Sto:lo Tribal Council
N. MANUEL	Neskonlith Indian Band
S. LEBOURDAIS	Secwepemc Nation

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CAARS

VANCOUVER, B.C.

April 27, 2009

(PROCEEDINGS RESUMED AT 9:01 A.M.)

THE CHAIRPERSON: Please be seated.

Good morning, ladies and gentlemen. My name is Liisa O'Hara. With me as my fellow members of the Long-Term Electricity Transmission Inquiry Panel are Commissioners Ravelli, Dennis Cote and Michael Harle. The fifth panel member, Keith Anderson, sends his regrets, but will be attending our next session. In view of Mr. Anderson's absence, we will only be addressing procedural issues at today's conference. Substantive matters need to be addressed by the full Panel.

Welcome to this first procedural conference, which was convened to primarily address timing and procedures regarding this long-term electricity transmission inquiry. Commission staff circulated a draft schedule at the April 18th workshop on this matter. The draft schedule has been posted on the Commission's website and copies are also at the back there, for anyone who wants to refer to it.

I must emphasize, however, that the staff document was only intended to serve as a starting point for discussion about the schedule for this

1 inquiry. And furthermore, I'm asking you to keep in
2 mind the timing of events such as 2010 Winter
3 Olympics, which will impact the scheduling of any
4 potential public hearing.

5 As many of you may have already attended
6 the April 17th workshop, at this same venue, I will
7 only briefly summarize the background for the inquiry
8 as follows. Pursuant to the terms of reference issued
9 by the government in December, 2008, the Commission is
10 conducting an inquiry to make determinations with
11 respect to British Columbia's electricity transmission
12 infrastructure and capacity needs for a 30-year
13 period.

14 In order to reach our determinations, this
15 Commission Panel must assess both the electricity
16 generation resources in our province that will
17 potentially be developed during the 30-year period,
18 grouped by geographical location, as well as the most
19 cost-effective and most probable sequence of
20 development by area. In making our assessment, we
21 must consider various factors, including the long-term
22 resource plans of B.C. Hydro and FortisBC, domestic
23 load requirements, export opportunities for clean
24 renewable or low-carbon electricity, and areas in B.C.
25 that will be inappropriate for development of
26 generation resources.

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Proceeding Time 9:05 a.m. T2

As required by the terms of reference, the Commission has invited submissions, evidence and presentations from any interested person, First Nations, local governments, utilities, power producers, ratepayer groups, environmental non-governmental organizations, and others on the matters that are the subject of this inquiry.

In accordance with Section 5 of the *Utilities Commission Act* the Commission was required to start the inquiry by March 31st, 2009. Incidentally, that is the reason why you may hear this proceeding referred to as Section 5 Inquiry from time to time. Finally the terms of reference specifically require that the Commission must publish a draft report setting out its determinations on or before June 30th, 2010. This timeline, Ladies and Gentlemen, then indicates that we are all gathered here today to embark on a 15-month journey.

As I have already noted, the forgoing is a brief summary of the background. The full terms of reference are posted again on the Commission website.

Now that the context for this wide-ranging proceeding has been set, it is my pleasure to introduce a number of key individuals who will play an important role throughout this inquiry. First, Jim

1 Fraser, Director, Section 5 inquiry. He is the lead
2 staff guiding us through the process. He is assisted
3 by Bill Grant, Peter Ostergaard and Elroy Switlishoff.
4 The last individual I just mentioned is not here
5 today, by the way.

6 Commission Counsel for this proceeding are
7 Gordon Fulton and Paul Miller from Boughton Law
8 Corporation. Mr. Miller could not be with us today
9 but Ms. Tamara Olding is here in his place.

10 Our hearing officer is Mr. Hal Bemister of
11 Allwest Reporting Ltd., and I trust he already has
12 taken care of all preliminary housekeeping matters.

13 On that note we will sit first for one and
14 a half hours this morning and then take a fifteen
15 minute break and continue when required.

16 Ordinarily applications before the
17 Commission involve applicants, intervenors and
18 interested parties. When filings take place in
19 those proceedings, the parties filings are identified
20 as belonging to one of those groups. However, there
21 are no applicants on this inquiry, and accordingly the
22 Commission Panel intends to use the description
23 "participants" to describe the status of all parties
24 participating here who have filed notices of
25 interventions. We are all here to find the best
26 resolution to this challenging task at hand.

1 **Proceeding Time 9:09 a.m. T03**

2 Please note that although we do not have an
3 applicant, we do have three parties; BCTC, B.C. Hydro
4 and FortisBC, who were named specifically in the terms
5 of reference as either load-serving utilities or
6 transmission providers. FortisBC, as a matter of
7 fact, provides both functions. For practical purposes
8 and clarity, therefore, the Panel would prefer to have
9 submissions filed by those three companies listed as
10 B-series exhibits, while all the other submissions
11 would be listed as C-series or D-series. If anyone
12 has a concern, please advise when you comment on the
13 other issues.

14 On another logistical matter, the
15 Commission is proposing, to the extent possible, to
16 save paper and energy by relying on electronic filing
17 and distribution of materials for this inquiry. Where
18 e-filing is not possible, I would ask that
19 participants send a letter or e-mail to the Commission
20 Secretary informing that they are unable to file or
21 receive documents electronically. In that case,
22 please provide a fax number and/or mailing address, so
23 that materials can be forwarded to you.

24 After you have entered your appearances,
25 you will be given an opportunity to make submissions.
26 BCTC, B.C. Hydro and FortisBC will be asked to make

1 their submissions first, and we will then follow the
2 order of appearances for the submissions of those of
3 you who also wish to make submissions. Mr. Fulton
4 will manage the roll call for that purpose.

5 The issues list for today's procedural
6 conference has been circulated electronically. Again,
7 additional copies are there at the back of the room.
8 If you have a matter you wish to add to the list,
9 please advise the Panel of that matter when you enter
10 your appearance. To the extent that other
11 participants wish to comment on any new matters raised
12 after they have addressed the issues list, they will
13 be permitted to do so.

14 Please note again that today we will not
15 hear submissions regarding the scope of the
16 proceeding. After today's session, in response to
17 your submissions, the Panel will shortly issue a
18 second process order addressing the next steps.

19 I am now going to ask Mr. Fulton to call
20 for appearances. As you enter your appearance, please
21 indicate whether you plan to make a submission this
22 morning and any new item you wish to add to the issues
23 list.

24 Please proceed, Mr. Fulton.

25 **Proceeding Time 9:12 a.m. T4**

26 MR. FULTON: Thank you, Madam Chair. Good morning,

1 Panel.

2 I'll begin then with the order of
3 appearances and with British Columbia Transmission
4 Corporation.

5 MR. FELDBERG: Thank you, Madam Chair, Commissioners.
6 Peter Feldberg, F-E-L-D-B-E-R-G, appearing for British
7 Columbia Transmission Corporation. I will be making a
8 submission, and I have nothing to add to the issues
9 list.

10 THE CHAIRPERSON: Thank you, Mr. Feldberg.

11 MR. FULTON: British Columbia Hydro and Power
12 Authority.

13 MR. GODSOE: Good morning, Madam Chair, Commission Panel.
14 Craig Godsoe, G-O-D-S-O-E, of and for B.C. Hydro.
15 With me throughout the proceeding will be Ken Duke, D-
16 U-K-E. We will making submissions on issues one, two
17 and three as set out in Exhibit A-4 but we have
18 nothing further to add to that agenda. Thank you.

19 THE CHAIRPERSON: Thank you, Mr. Godsoe.

20 MR. FULTON: Fortis B.C. Inc.

21 MR. McDONELL: Good morning, Madam Chair, Commissioners.
22 My name is Rob McDonell and I'm here for FortisBC
23 With me is Dennis Watson from the company. I have to
24 additions to the agenda at the moment and don't
25 anticipate making submissions. But if something comes
26 up, I make a bit of a reservation if I might. Thank

1 you.

2 THE CHAIRPERSON: Thanks, Mr. McDonell.

3 MR. FULTON: First Nations Energy and Mining Council.

4 MR. DIMETROV: Good morning, Madam Chairman and

5 Commissioners. Peter Dimitrov, for B.C. First

6 Nations Energy and Mining Council. I'd like to make a

7 submission today respecting scheduling. D-I-M-I-T-R-

8 O-V. D-I-M-I-T-R-O-V. Thank you.

9 THE CHAIRPERSON: Thank you, Mr. Dimitrov.

10 MR. FULTON: Ducks Unlimited? No response. David

11 Suzuki Foundation? No response. Ocean Renewable

12 Energy Group? No response. Catalyst Paper? No

13 response. Joint Industry Electricity Steering

14 Committee?

15 MR. WALLACE: R.B. Wallace appearing on behalf of the

16 Joint Industry Electricity Steering Committee. Any

17 submissions we will have will be brief. No new issues

18 to add to the agenda.

19 THE CHAIRPERSON: Thank you, Mr. Wallace.

20 MR. FULTON: Mining Contractors Association of B.C.

21 MR. SKOSNIK: Good morning. Jeff Skosnik, the Mining

22 Contractors Association. No additions at this time.

23 I do anticipate making a submission.

24 THE CHAIRPERSON: Thank you.

25 MR. FULTON: Mr. Skosnik, if you could spell your name

26 for the record, please.

1 MR. SKOSNIK: Skosnik, S-K-O-S-N-I-K.

2 THE CHAIRPERSON: That's helpful, thank you, Mr. Skosnik.

3 MR. FULTON: Thank you. NaiKun Wind Energy Group
4 Inc.? Cloudworks Energy Inc.? No response to either
5 of those, Madam Chair.

6 British Columbia Sustainable Energy
7 Association and the Sierra Club of British Columbia,
8 SCBC *et al.*

9 MR. ANDREWS: Good morning, Panel Chair and Members of
10 the Panel. My name is William Andrews. I'll be
11 representing the BCSEA and the Sierra Club of B.C.
12 Those groups are also talking with other environmental
13 NGOs such as the David Suzuki Foundation to present a
14 coordinated participation. I don't have anything to
15 add to the agenda and I will be making submissions on
16 the agenda items.

17 THE CHAIRPERSON: Thank you, Mr. Andrews.

18 MR. FULTON: The Progressive Group? No response. The
19 Cascadia Institute? No response. David Shipway? No
20 response. Markus Resource Consulting? No response.
21 Westcoast Environmental Law? No response. Columbia
22 Power Corporation.

23 **Proceeding Time 9:16 a.m. T05**

24 MR. MacINTYRE: Good morning. Glen MacIntyre, M-a-c-I-N-
25 T-Y-R-E, for Columbia Power Corporation. We do not
26 anticipate making submissions, and we have nothing to

1 add to the agenda. Thank you.

2 THE CHAIRPERSON: Thank you, Mr. MacIntyre.

3 MR. FULTON: Enmax Corporation? No response. Andre
4 Sobolewski? No response. Barbara Buchanon? No
5 response. Canadian Wind Energy Association? No
6 response. Richard McLaren? No response. Saulteau
7 First Nations? No response. Shishalh Nation? No
8 response. British Columbia Old Age Pensioners'
9 Organization.

10 MR. QUAIL: Good morning, panel. Jim Quail, Q-U-A-I-L,
11 appearing. And one item that we would like added to
12 the agenda is the issue of costs and the potential for
13 interim costs, in view of the duration of the
14 proceedings.

15 THE CHAIRPERSON: Thank you, Mr. Quail.

16 MR. FULTON: Alta Energy? No response. Association for
17 Mineral Exploration of British Columbia and North West
18 Power Line Coalition? No response. Greenwing Energy
19 Management Limited? No response. Hard Creek Nickel
20 Corporation? No response. Canadian Hydro Developers
21 Inc.? No response. TransCanada Energy.

22 MR. KARABETSOS: Good morning, Madam Chair,
23 Commissioners. I'm Frank Karabetsos, K-A-R-A-B-E-T-S-
24 O-S, for TransCanada Energy. We will be making
25 submissions on the issues but have nothing to add to
26 the agenda.

1 THE CHAIRPERSON: Thank you, Mr. Karabetsos.

2 MR. FULTON: Syntaris Power? No response. Sunshine
3 Coast Regional District?

4 MR. RAFAEL: Good morning. David Rafael, R-A-F-A-E-L, no
5 submissions or additions at this time, thank you.

6 THE CHAIRPERSON: Thank you, Mr. Rafael.

7 MR. FULTON: Terry Brown? No response. Warner -- or,
8 Warren Brazier? No response. Premier Renewable
9 Energy? No response. Plutonic Power Corporation? No
10 response. Ker Wood Leidal Consulting Engineers? No
11 response. EnCana Power and Processing? No response.
12 Energetic Concepts? No response. Willis Energy
13 Services? No response. Commercial Energy Consumers'
14 Association of British Columbia.

15 MR. WEAFFER: Good morning, Madam Chair, members of the
16 Commission. My name is Chris Weafer, appearing for
17 the Commercial Energy Consumers' Association of
18 British Columbia. We have nothing to add to the
19 issues list and we will have some brief submissions on
20 the topics on your agenda. Thank you.

21 THE CHAIRPERSON: Thank you, Mr. Weafer.

22 MR. FULTON: Run of River Power Inc.? No response. Ron
23 Zeilstra? No response. Western Biomass Power Corp.?
24 No response. B.C. Bioenergy Network? No response.
25 Andritz Automation? No response. City of New
26 Westminster Electric Utility Commission?

1 **Proceeding Time 9:20 a.m. T06**

2 MS. COCHRANE: Good morning, Madam Chair and
3 Commissioners. My name is Penny Cochrane, C-O-C-H-R-
4 A-N-E, and I am from Willis Energy Services but am
5 here on behalf of the City of New Westminster Electric
6 Utility Commission. We have no additions to the
7 agenda and no submissions today. Thank you.

8 THE CHAIRPERSON: Thank you, Ms. Cochrane. That's why I
9 was confused. I saw you almost standing up before
10 when Willis Energy Services was called.

11 MR. FULTON: Corporation of the City of Nelson.

12 MR. GUSTAFSON: Good morning, Madam Chair, Commissioners.
13 K. E. Gustafson, G-U-S-T-A-F-S-O-N, appearing for the
14 city of Nelson. We wish to reserve our right to make
15 submissions depending on how the issues appear, and we
16 have nothing to add to the agenda. Thank you.

17 THE CHAIRPERSON: Thank you, Mr. Gustafson.

18 MR. FULTON: Jetson Consulting Engineers Limited? No
19 response. Sea Breeze Energy Inc.? No response. Sea
20 Breeze Pacific Regional Transmission System Inc.? No
21 response. Terry Volcano?

22 MR. VOLCANO: Good morning, Terry Volcano from Prince
23 Rupert. No submissions or additions this morning --
24 today. Thank you.

25 THE CHAIRPERSON: Thank you, Mr. Volcano.

26 MR. FULTON: Eric Graham? No response. Terasen Gas

1 Distribution Companies, the Terasen Utilities.

2 MR. PERTTULA: Good morning, Madam Chair and

3 Commissioners. My name is Dave Perttula, it's spelled

4 P-E-R-T-T-U-L-A. And we have no submissions or items

5 to add to the list this morning.

6 THE CHAIRPERSON: Thank you, Mr. Perttula.

7 MR. FULTON: Vancouver Island Society, Okanagan

8 Environment Industry Alliance, Island Transformation

9 Org and Rental Owners and Managers Society of B.C.?

10 MR. LEWIS: Good morning, Madam Chairman and members of

11 the Commission. My name is Jay Lewis, L-E-W-I-S, and

12 I'm filling in today for Ludo Bertsch, B-E-R-T-S-C-H,

13 who is unable to attend because of a scheduling

14 conflict. We represent, as noted, Energy Solutions

15 for Vancouver Island Society, Okanagan Environmental

16 Industry Alliance, Island Transformations.org and the

17 Rental Owners and Managers Society of B.C. We have no

18 submissions planned at this time, and no changes to

19 the agenda. Thank you.

20 THE CHAIRPERSON: Thank you, Mr. Lewis.

21 MR. FULTON: Independent Power Producers Association of

22 British Columbia?

23 MR. AUSTIN: Good morning, panel. David Austin,

24 representing the Independent Power Producers of B.C.

25 We have submissions and no additions to the list.

26 Thank you.

1 THE CHAIRPERSON: Thank you, Mr. Austin.

2 MR. FULTON: Ministry of Energy, Mines and Petroleum
3 Resources? No response. West Moberly First Nations?
4 No response. Fred Olson Renewables Canada Ltd.? No
5 response. Sierra Geothermal Power Corp? No response.
6 CST Consulting? No response. Splats'In First
7 Nations? No response.

8 THE CHAIRPERSON: Somebody raised a hand there. Is there
9 anybody representing the group?

10 MR. FULTON: It may have had something to do with my
11 pronunciation, Madam Chair.

12 MR. LEE: Stuart Lee, Splats'In First Nation. No
13 submissions.

14 THE CHAIRPERSON: Thank you, Mr. Lee.

15 MR. FULTON: Could you spell your last name for the
16 record, please?

17 MR. LEE: Sorry, Lee, L-E-E.

18 MR. FULTON: Thank you. North Columbia Environmental
19 Society? No response. SkyPower Corporation? No
20 response. Alberta Electric System Operator? No
21 response. Coast Forest Products Association? No
22 response. Regional District Central Kootenay? No
23 response.

24 That concludes the list that I have of the
25 participants, Madam Chair. Is there anyone present
26 this morning whose name I have not called who wishes

1 to come and appear for the purposes of the record.

2 Yes, sir?

3 MR. HEAP: Hello there. Nicholas Heap from the David
4 Suzuki Foundation. Last name is H-E-A-P. I've got no
5 submissions and no changes -- or no additions to the
6 agenda.

7 THE CHAIRPERSON: Thank you, Mr. Heap.

8 MS. HEASLIP: Good morning, Robyn Heaslip with the Sto:lo
9 Tribal Council. My name is spelled H-E-A-S-L-I-P, and
10 I don't anticipate any submissions today.

11 THE CHAIRPERSON: I'm sorry, who did you represent?

12 MS. HEASLIP: Sto:lo Tribal Council.

13 THE CHAIRPERSON: Thank you.

14 MR. MANUEL: Neskie Manuel from the Neskonlith Indian
15 Band. I don't anticipate making any submissions.

16 THE CHAIRPERSON: Can you spell your last name, please?

17 MR. MANUEL: Okay, my first name? Or my last name, M-A-
18 N-U-E-L.

19 THE CHAIRPERSON: N-U-E-L, thank you.

20 MR. MANUEL: Yes.

21 MR. FULTON: Is there anyone else then this morning,
22 any other participant who has intervened in the
23 proceeding whose name has not been called out and
24 wishes to appear for the purposes of this morning's
25 proceedings? That concludes the appearances, Madam
26 Chair.

1 THE CHAIRPERSON: Thank you, Mr. Fulton. I will now turn
2 to the subject matter of the issues list. I would ask
3 the participants making submissions to address the
4 issues in the order they appear on the issues list,
5 and if you are not making submissions on all issues,
6 it would be helpful if we could still, for clarity,
7 say so at the beginning of your submissions.

8 Mr. Fulton, would you now call for
9 submissions, please.

10 **Proceeding Time 9:28 a.m. T08**

11 MR. FULTON: Thank you. The first participant making
12 submissions this morning, Madam Chair, is the British
13 Columbia Transmission Corporation, Mr. Feldberg.

14 **SUBMISSIONS BY MR. FELDBERG:**

15 MR. FELDBERG: Madam Chair, Commission Panel, I will be
16 addressing each of the matters in issues 1, 2 and 3 of
17 the issues list.

18 Issue 1 deals with the staff-proposed
19 schedule, and whether or not we have submissions with
20 respect to changes to it. BCTC has consulted and
21 conferred with B.C. Hydro in terms of some of the
22 issues on the schedule, because we see that there is a
23 need for coordination in this process among us, and
24 we've put together a proposed timetable and process
25 which follows fairly closely what the staff proposal
26 has been, but includes a couple of key differences.

1 And with your leave, I'd like to provide it to the
2 panel and my colleagues will provide it to the group.

3 THE CHAIRPERSON: Leave granted.

4 MR. FELDBERG: And I hope that we have enough for the
5 room, but I think it will also be very helpful to have
6 this posted on the screen, the staff preliminary draft
7 at the same time, as we go through my comments.

8 THE CHAIRPERSON: So, let's see how Mr. Bemister is
9 rising to the challenge.

10 MR. FULTON: So, just for the purposes of the people who
11 are outside the room, the staff draft schedule has now
12 been posted electronically in the hearing room.

13 MR. FELDBERG: Okay. Madam Chair, Commission Panel,
14 issue 1 asks whether there are any changes that should
15 be made to the draft transmission inquiry schedule
16 circulated by staff and, if so, what are they. As I
17 indicated initially, over the last week or so BCTC and
18 B.C. Hydro have spent some time working on the draft
19 transmission inquiry schedule, talked to some others,
20 and have come up with a schedule that I propose to go
21 through now. There are -- before I go into it in
22 detail, I'd like to just flag a couple of the larger
23 items where there's a difference with the staff
24 schedule, and the schedule we're proposing.

25 The first is with respect to the procedural
26 conference which I think was flagged in Exhibit A-6 as

1 to occur at the end of May after submissions to the
2 middle of May. And you'll see that we've proposed
3 that to be held in June, and I'll make some remarks as
4 to why we believe that should be held at that time.

5 The second change is with respect to the
6 summer period, if I can call it that, of May to
7 August, which precedes the initial filing of
8 information from the utilities. We've provided as
9 well in that period that the initial filing would
10 contain some initial scenarios as well as the base
11 data that I think was contemplated in the staff
12 preliminary draft. And I'll go through the reasoning
13 for that as well, as I go through my comments.

14 Much of it follows, then, September and
15 October, workshops, regional hearing in
16 October/November, follows basically the procedural
17 content that staff had outlined in the preliminary
18 draft, except when we get to November, December,
19 January. The schedule that we are proposing is a
20 little more both fleshed out and extended than the
21 staff draft had contemplated. Part of that is to
22 address the need for filing evidence in -- from the
23 major utilities, which we think should occur in late
24 November, and I'll go into that in a little more
25 detail. And then the introduction of a workshop in
26 December to identify gaps which again I'll explain,

1 but that is to try to achieve the staff's identified
2 goal of making IRs limited in focus. Our submission
3 would be that having a workshop after the filing of
4 that evidence would probably enhance the ability to
5 limit the scope of the IRs that then follow.

6 The next change is the timing of the oral
7 hearing, the filing of intervenor evidence, and in our
8 submission it's unlikely and probably not going to
9 work terribly well to try to get a hearing done in
10 January, but probably rather have that after the
11 Olympics in March. And I'll go through that in a
12 little bit more detail. But those are the main
13 differences that I think we outlined.

14 **Proceeding Time 9:33a.m. T9**

15 We are conscious in designing this
16 timetable of two things, two things that really govern
17 the scheduling of this. The need to comply with the
18 terms of reference requirements to have the draft
19 report out by June 30th, 2010. That's one driver at
20 one end. On the other hand we also have a large
21 number of intervenors with disparate interests and to
22 ensure that the scope of the hearing is appropriate,
23 that the process for getting evidence prepared, the
24 consultation can occur, all of those steps that need
25 to occur with a wide group of people in a process to
26 be managed, in our view requires a certain expansion

1 of the process beyond what staff had contemplated.

2 But let me go through each of the steps and
3 hopefully that will become clear.

4 THE CHAIRPERSON: Please proceed.

5 MR. FELDBERG: Okay. The first point in the schedule
6 really is around the procedural conference re the
7 scoping of issues, and I won't address the scope
8 itself because that's for another day. But in terms
9 of scheduling, this is a very crucial issue for this
10 inquiry and I think that care has to be taken to
11 ensure that the scope is neither so broad that it
12 makes your task unachievable nor so narrow that we
13 limit people from making submissions or filing
14 evidence that they need to make, and in my
15 submissions, that is a pretty key step in the inquiry
16 process.

17 In order to achieve that -- and I think my
18 friend, Mr. Godsoe, will have more comments on this;
19 but in order to achieve that, we think it both
20 desirable and necessary that we see the same sort of
21 process that we saw with the timetable occurring, and
22 that is that staff prepare an initial scope that
23 participants can look at, a straw dog if you will of
24 what the scope may look like. The Commission takes
25 submissions on scope in writing which I think was
26 contemplated in Exhibit A-6; and thirdly, that a

1 workshop then be held to discuss scope and the types
2 of questions that were listed, actually, in issue 2(c)
3 of Exhibit A-6 with respect to who is providing what,
4 what evidence would come in on all of those sorts of
5 things. The logic being that the more we can manage
6 this process through workshops and discussion and less
7 informal procedural inquiry, probably the better
8 success we will have in getting to some level of
9 consensus by the time we reach a procedural
10 conference. That's the concept.

11 I think, as I said, my friend, Mr. Godsoe,
12 will have probably more to say on this point.

13 Second step is the filing of information by
14 some of the larger parties. And all I'd say about
15 that at this point is that staff had laid out some
16 examples of the type of information that might be
17 filed in the September period by the major parties,
18 Hydro, BCTC, and others -- Fortis and others. And
19 generally speaking BCTC would accept the burden that
20 has been placed on it to file that information. But
21 we'd also recommend that at that stage that some
22 initial scenarios be put together and filed as well.

23 The logic for that is rather than
24 intervenors -- or sorry, participants -- I'm learning
25 the new language.

26 THE CHAIRPERSON: Very good.

1 MR. FELDBERG: Rather than participants being faced when
2 they enter the workshops with a mass of base data,
3 there would be something to work with so that you
4 could see both examples of what potential generation
5 might be and the transmission implications that would
6 then follow, which might help focus again some of the
7 thinking around the workshops; not intended to exclude
8 other evidence but at least give some of those
9 participants that aren't transmission planners the
10 ability to identify what the implications of their
11 particular assumptions might be. So that's one
12 suggestion for that.

13 With respect to the timing of that, we
14 suggest mid-September again. Some of the timing that
15 we are suggesting is largely dependent on B.C. Hydro's
16 schedule with respect to the LTAP, when it's going to
17 be able to participate in various forms, and that sort
18 of thing. And I'll leave that to Mr. Godsoe, but what
19 we proposed was, rather than September 8, perhaps
20 about ten days later, September 18th. We are not
21 looking for a much longer period there, but it might
22 be longer than what's suggested here.

23 The next step on the calendar is the
24 workshops and staff had suggested workshops in
25 September and October with workshops on each topic and
26 scenario development, and we strongly support this

1 step and anticipate that participant's comments will
2 inform what BCTC later files as its evidentiary
3 submissions. And we also agree with the proposal for
4 a third procedural conference, although we'd see that
5 at the end of October rather than -- well, it just
6 says October in the staff list.

7 The regional town hall meetings, again town
8 hall meetings, regional hearings, again BCTC agrees
9 and supports this step. We don't have any position on
10 how many or where, and let others speak to that, those
11 that are more directly affected.

12 **Proceeding Time 9:38 a.m. T10**

13 Next is the filing of evidentiary
14 submissions from the major -- from the utilities. And
15 I think the staff preliminary draft indicates that be
16 done at early November, and in our submission, we
17 think rather late November is probably more realistic
18 and probably better for the following reasons. The
19 first is that we will have just finished workshops and
20 regional hearings, and it will allow -- giving some
21 time there will allow B.C. Hydro and BCTC to do the
22 necessary modeling that's needed to provide the
23 evidentiary submissions that we have; allow the
24 incorporation of comments from workshops and those
25 regional hearings; and it will better align with
26 consultation, First Nations consultation, et cetera,

1 which again my friend Mr. Godsoe can speak more fully
2 about.

3 The next stage that staff had identified
4 was mid-November Information Requests, limited and
5 focused. And we strongly support the "limited and
6 focused" aspect of the Information Requests. I am
7 sure my friend Mr. Godsoe will tell you exactly how
8 many IRs he's received in the LTAP. I can't tell you
9 exactly how many IRs BCTC has received in its capital
10 plan and other processes, but they are many. And so
11 limited and focused IRs is something that is of
12 interest, obviously, to the utilities involved in
13 this. But in order to get there, in our submission,
14 there has to be some sort of process that allows the
15 whittling down, if you will, of questions that would
16 naturally arise on the evidence.

17 So what we've proposed is that in early
18 December there be a workshop to identify gaps in the
19 evidence that has been filed by BCTC and B.C. Hydro
20 and Fortis, and hopefully in that workshop be able to
21 respond to questions that are simply clarification
22 questions, to avoid, you know, the record being filled
23 with those, and to leave for the actual IR process a
24 fairly limited and focused set of IRs that focuses on
25 the gaps in the evidence and what there is that's
26 really needed. And we would look to the workshop to

1 help focus that scope.

2 THE CHAIRPERSON: So this is a new item you have added to
3 the list, then.

4 MR. FELDBERG: That's right, yeah. This is new. But we
5 think it's essential to -- if you want to achieve the
6 limited and focused IR process without just
7 arbitrarily limiting people's ability to ask the
8 questions that they think they need to ask.

9 The next step in the process was to get
10 information responses in from the utilities. I've got
11 early January there, probably realistically around
12 somewhere around January 11th is what we had been
13 thinking for IR responses from the utilities.

14 And then after that we would see -- I've
15 got intervenor evidence, and here it would be the
16 evidence of other participants in the process. And
17 staff had recommended, in the -- or at least proposed
18 in the preliminary draft that there would be no IRs
19 needed. In my submission, it would be both helpful
20 and necessary to have some form of IR process on
21 those. There are a lot of parties to this proceeding.
22 Some of the parties are fairly sophisticated parties.
23 Some of them are very sophisticated parties. We have
24 other utilities, we have the IPPs, we have people that
25 are knowledgeable about their own lands and resources,
26 and have, I'm sure, fairly sophisticated evidence to

1 provide on that. And we also have parties that are
2 not necessarily likely to agree all the time with each
3 other. And in order for the Commission to have
4 evidence that has been tested, questioned thoroughly,
5 from all participants we believe very strongly that an
6 IR process should be applied for that evidence as
7 well.

8 I suspect that there will be parties for
9 whom the submissions will not require IRs. I suspect
10 there will be many of those in this proceeding. But
11 there will be some for whom an IR process is
12 appropriate.

13 The next phase is the oral hearing and,
14 mindful of the Olympics, we thought we'd get the
15 written phase, if there is one, you know, for the
16 intervenor evidence, and we suggest there should for
17 the other participant evidence, get that done in
18 February, when the Olympics are on, and then that
19 would leave time for an oral hearing in March.

20 Staff had raised with questions whether
21 there should be final submissions on the issues. In
22 our submission, we believe that what might be termed
23 "final comments" on the issues, after all, there is no
24 applicant, but I'm sure that most parties will have
25 comments on the issues.

26

1 **Proceeding Time 9:43 a.m. T11**
2 We thought those could be filed in April, the final
3 comments on the issues. And that leaves the
4 Commission with -- they acknowledge a shorter period
5 within which to write the report, but probably a
6 Commission that's better armed to do so, we hope. And
7 much better able to do so with the submissions that it
8 receives. So that's the proposed schedule that I
9 would suggest.

10 Turning to, if I could, issues 2 and 3,
11 issue 2 -- I've already, I think, addressed issue 2(a)
12 which was what should we do about the scoping workshop
13 that had been proposed for May, and the Exhibit A-6
14 proposes -- asked whether or not submissions by May
15 15th and a procedural conference by the 27th would be
16 appropriate, and in my submission, it wouldn't. It
17 would better, as I said earlier, to have a staff
18 scoping document go out, to have then submissions
19 received from the parties with comments, than a
20 workshop and then the procedural conference, which
21 would place it in June. I don't think that precludes
22 any of the work that needs to be done during the
23 summer period, but it would probably make the
24 procedural conference on scope better informed and,
25 from the Commission's perspective, probably achieved a
26 more focused look at the issues.

1 THE CHAIRPERSON: Mr. Feldberg, would you have any
2 alternative suggested dates to replace May 15 and May
3 27? Presuming -- presuming that the Panel just might
4 be persuaded by your approach, what kind of dates do
5 you think would work?

6 MR. FELDBERG: Well, I do have some dates, and let me
7 just find the right note, but I believe that what we
8 were looking at was getting something out -- if we get
9 something out by the staff in the middle of May, we
10 would look at submissions from participants three
11 weeks later, then a workshop to be held, and
12 conference -- sorry, and a procedural conference at
13 the end of June.

14 So if you looked at, you know, the staff
15 straw dog coming out at say 21st of May, you could look
16 at comments coming back from participants on the 11th
17 of June, a workshop a week later on the 18th of June,
18 and procedural conference on the 25th of June.

19 THE CHAIRPERSON: That's helpful, thank you.

20 MR. FELDBERG: So on issue 2(c) the Commission asked
21 whether certain questions would be appropriate at the
22 second procedural conference, and it's hard to answer
23 this question without actually getting into the scope,
24 but -- and so I won't. But generally we agree that
25 those are useful questions to address at the second
26 procedural conference. As I said, BCTC generally

1 accepts it burden of providing the evidence relating
2 to transmission planning that's been assigned to it,
3 and also contemplated in the terms of reference. But
4 I do think that the other questions are questions that
5 participants would all be interested in.

6 And again, in my submission, Madam Chair,
7 those are the types of questions for which a workshop
8 is actually fairly useful, when you start asking
9 questions like who can provide what information, who
10 is the right person to do what, who should work
11 together on something. That's hard to do by each
12 party individually sending in a missive to the
13 Commission with comments and probably better to be
14 done workshop through a process.

15 On issue 3 the Commission had asked whether
16 BCTC and B.C. Hydro should hold some technical
17 workshops throughout the summer. BCTC's preference is
18 to get input prior to the September filing of
19 information. The means of doing so, we'd likely
20 coordinate with B.C. Hydro because they collect the
21 information that they need as well, and I understand
22 that Hydro again has some timing issues related to the
23 LTAP and other matters that it needs to address, so
24 unable to commit at this stage to, you know, the
25 precise technical conference or dates. But I'll leave
26 that to Mr. Godsoe to explain a little bit too.

1 **Proceeding Time 9:49 a.m. T12**

2 And on issue 3(d), where you -- the
3 Commission asked whether or not the workshops in the
4 fall should be led through -- led by Commission staff,
5 we strongly support that. We think that after the
6 initial filing, we think there's a very good and
7 important role for Commission staff to coordinate
8 those workshops, and lead it as a Commission-led
9 process.

10 Those are my submissions.

11 THE CHAIRPERSON: Thank you, Mr. Feldberg.

12 MR. FULTON: British Columbia Hydro and Power Authority,
13 Mr. Godsoe.

14 **SUBMISSIONS BY MR. GODSOE:**

15 MR. GODSOE: Good morning, panel. As requested in
16 Exhibit A-4, I'll address issues 1, 2 and 3 in turn.
17 However, there is some overlap between the issues, and
18 in addressing issue 1, I might actually end up
19 addressing particularly issue 2.

20 So, turning to issue 1, which is the draft
21 transmission inquiry schedule, B.C. Hydro agrees and
22 supports with virtually every word that came out of
23 the counsel for BCTC's mouth, and I just wanted to add
24 -- why I'm here is, I'm going to give some additional
25 detail to that schedule with respect to three timing
26 issues B.C. Hydro faces.

1 The first is the issuance of the 2008 LTAP
2 decision. The second is First Nation consultation,
3 and I'll discuss that a little bit. And third is the
4 issuance of B.C. Hydro's 2009 peak and energy load
5 forecasts.

6 So, turning first to scope, I would echo
7 strongly the comments of Mr. Feldberg that this is a
8 crucial step, and that it needs to take time to
9 develop. And so I strongly support the submissions of
10 Mr. Feldberg in that regard, and he's outlined the
11 timelines for you. We agree with all of those dates.
12 And I would just say that to further support why we
13 think a written process and a workshop, then a
14 procedural conference, is the way to go, we do have 70
15 registered intervenors, and I think making submissions
16 in -- on scope in a vacuum without a straw dog to
17 target, so to speak, is not an efficient or effective
18 process.

19 Filing of information, we see that date
20 moving back from 8 September to 18 September, for a
21 number of reasons, not the least of which is a lot of
22 B.C. Hydro's domestic scenario evidence will flow out
23 of the 2008 LTAP decision. So, if that decision
24 issues in June or July, we think 18 September is
25 doable.

26 I'd also echo again the comments of Mr.

1 Feldberg. B.C. Hydro strongly prefers to engage with
2 its customer and other participants prior to filing
3 its 18 September information, and I'm going to come
4 back to that as part of my submissions on issue 3.
5 Suffice it to say, this is particularly important with
6 respect to the domestic demand scenarios and, as you
7 know, section 7(c) of the terms of reference
8 specifically spells out an electrification scenario.
9 We feel strongly there should be a low-load scenario.
10 So that kind of thing is going to take some time to
11 develop, and we think input up front would be quite
12 helpful.

13 We will also commit to filing our 2009 load
14 forecast as part of the Section 5 inquiry, but we'll
15 be unable to do so on 18 September. That would occur
16 in late November and I'll come back to that further in
17 my submissions on issue 1.

18 We agree strongly with Commission staff
19 that workshops in late September/October would be
20 helpful with respect to the information filed by B.C.
21 Hydro and other utilities, and I understand the term
22 "information" to mean draft submissions for
23 discussion, and that's how B.C. Hydro will prepare its
24 submissions.

25 We also agree with Mr. Feldberg that the
26 third procedural conference should occur at the very

1 end of October, 2009, not the least of which the
2 reason for this is to better align with the B.C.
3 Hydro/BCTC First Nation consultation process, which,
4 let me just step out of the inquiry schedule for a
5 minute and flesh that out. It is a parallel process.
6 It's important to understand that, and it is focused
7 on consulting with First Nations with respect to B.C.
8 Hydro and BCTC's information and submissions.

9 Right now, we foresee three phases. The
10 first phase of consultation would likely occur in
11 June, 2009 and would consist of introductory topics.
12 There would then be phase 2 in September/October and
13 perhaps early November, 2009, and that would turn --
14 would focus on the information B.C. Hydro and BCTC
15 filed in September, including the underlying scenarios
16 and the transmission overlaid on top of those
17 scenarios.

18 B.C. Hydro then anticipates its first
19 consultation report being filed with the Commission
20 some time during the second week of December, 2009,
21 and that first consultation report would report on the
22 first two phases of the B.C. Hydro/BCTC parallel
23 consultation process. I'll come back to the third
24 phase in a moment, so I'm going to step back now into
25 the inquiry schedule.

26 THE CHAIRPERSON: Can you please still report the date

1 load forecast numbers. We have heard from our
2 customer intervenors that they very much wish to see
3 the 2009 load forecast numbers form part of the
4 Section 5 inquiry process and a late November
5 submission date would ensure that.

6 I also want to echo Mr. Feldberg's comments
7 that a late November date works better with the
8 parallel B.C. Hydro/BCTC/First Nation Consultation
9 process.

10 Agree completely with Mr. Feldberg's
11 submissions with respect to limiting information
12 requests. I can give you, as counsel of the LTAP, the
13 exact number we received: 1,769 information requests
14 as part of that proceeding. With 70 registered
15 intervenors B.C. Hydro is wary of being inundated with
16 information requests, and so strongly supports having
17 a gap workshop, work through what the gaps are and
18 having information requests tailored to those gaps.

19 Also strongly agree with Mr. Feldberg that
20 the usual step of having information requests issued
21 to participants should remain here. I note in Section
22 10 of the terms of reference there are a lot of
23 sophisticated parties out there that might well file
24 submissions, utilities such as Terasen, environmental
25 organizations, local governments, independent power
26 producers. So strongly support that there should be a

1 provision for information requests to issue on those
2 submissions.

3 And then as Mr. Feldberg outlined, we see
4 the oral hearing then moving to March 2010 after the
5 conclusion of the Olympics on 28 February, 2010.

6 To jump back into the First Nation
7 Consultation process, I had left off at Phase 2. We
8 anticipate Phase 3 occurring in January and February
9 of 2010 and it would focus on B.C. Hydro and BCTC's
10 filed submissions. Then as part of Phase 3, B.C.
11 Hydro anticipates delivering a second consultation
12 report to the Commission by the end of May 2010.

13 Last but not least, final comments, we
14 agree that it would be helpful if participants could
15 file those. We believe that because there is no
16 applicant they should all file on the same date. We
17 suggest late April 2010 because we may well consult
18 with First Nations on our final comments, and so we
19 would ask for some time to prepare those, and we think
20 late April 2010 works for that.

21 Now, turning to issue 2, I've already
22 addressed issues 2(a) and 2(b) which concern the
23 timing of the second procedural conference as part of
24 my submissions on issue 1, so that leaves me with
25 issue 2(c). And issue 2(c) asks whether the second
26 procedural conference should address a series of

1 questions related to submissions, and which party is
2 responsible for filing what submission. To cut to
3 the chase, I agree with Mr. Feldberg that it would be
4 helpful to get greater clarity on which parties are
5 filing what at the second procedural conference, but
6 let me just take a minute to comment on the straw dog
7 proposal.

8 Madam Chair, you said the obvious, and I
9 want to emphasize it, there is no applicant in this
10 proceeding. And B.C. Hydro is certainly not an
11 applicant. However, Sections 8, 9 and 10 of the terms
12 of reference identify certain utilities and charge
13 them with providing evidence, of which B.C. Hydro is
14 one. Now the staff have helpfully put out their initial
15 views on the allocation of submissions between
16 utilities and B.C. Hydro broadly accepts the three
17 evidentiary topics assigned to it. Clearly B.C.
18 Hydro is in the best position to file evidence on
19 domestic demand within its service area, and by
20 "domestic demand" I mean not only the 2009 load
21 forecast but the various domestic demand scenarios.

22 **Proceeding Time 9:59 a.m. T14**

23 Through its contacts with independent power
24 procedures and the work done in the 2008 LTAP resource
25 options update, B.C. Hydro is in a good position to
26 file evidence on potential for generation within

1 various regions in B.C. And B.C. Hydro would work
2 with BCTC, independent power producers, IPPBC, and
3 other interested participants, to determine whether
4 any major changes are needed to the 2008 LTAP resource
5 options update.

6 Lastly, Commission staff have allocated to
7 B.C. Hydro among other parties the task of rounding up
8 submissions on what Commission staff have called
9 "inter-provincial and export trade". No question,
10 B.C. Hydro does have considerable knowledge of the
11 export market. However, B.C. Hydro is interested in
12 exploring, in consultation with BCTC and other
13 participants, whether it makes sense to retain an
14 independent arm's-length third-party expert to provide
15 evidence on the U.S. and Alberta markets. So I cannot
16 today confirm that B.C. Hydro will lead the export-
17 related part of the submissions.

18 The fourth category that staff didn't
19 mention but I've outlined, is the two consultation
20 reports that B.C. Hydro will file with the Commission,
21 and I've already spoken to those as part of issue 1.

22 That leaves me with issue 3, the technical
23 workshops, and issues 3(a) to 3(c) ask questions with
24 respect to the desirability of BCTC, B.C. Hydro for
25 and/or FortisBC hosting workshops during the summer.
26 B.C. Hydro's strong preference is to get input into

1 the September filing of information, particularly with
2 respect to its domestic scenarios. However, we cannot
3 commit at this time to hosting workshops in the
4 summer, and the reason is simple; we need the 2008
5 LTAP decision. For example, the 2008 LTAP decision
6 examines three electrification scenarios. It would be
7 helpful to know what the Commission's stance is on
8 those before we go out and generate our information
9 for September.

10 I do want to reiterate, though, B.C. Hydro
11 really does want input, particularly with respect to
12 domestic scenarios, and somehow we will get that
13 before we file in September. Maybe it's a condensed
14 -- between September 8 and September 18, but we will
15 work to get that input.

16 Lastly, issue 3(d), we echo the comments of
17 Mr. Feldberg. We strongly support Commission staff
18 hosting the late September/October workshops after the
19 filing of the September information. And if there are
20 no questions, those conclude my submissions.

21 COMMISSIONER HARLE: Just a question on the last comment
22 you made with respect to LTAP and your ability to
23 actually host workshops in the summer. If the LTAP
24 decision is to come out by the end of June, would that
25 not make it possible for B.C. Hydro to do -- host
26 workshops in the summer?

1 MR. GODSOE: I believe it would.

2 COMMISSIONER HARLE: Okay.

3 THE CHAIRPERSON: I have one more question, Mr. Godsoe.
4 You introduced a new concept with regard to finding
5 additional information for the inter-provincial and
6 export trade, and you mentioned B.C. Hydro and BCTC
7 and other parties probably together working on the
8 idea of retaining an arm's-length third-party expert.
9 So would your intent, then, that the participants as a
10 group would take the initiative, or would you perhaps
11 expect the Commission do something like that?

12 MR. GODSOE: So, without precluding any particular model,
13 I foresee B.C. Hydro and BCTC retaining a third-party
14 expert, but having participant input into the terms of
15 reference, for example. So, having a very transparent
16 open process as to which expert was retained, what
17 their terms of reference are, what scenarios in the
18 export market they would be looking at.

19 THE CHAIRPERSON: Thank you.

20 MR. FULTON: FortisBC, Mr. McDonell.

21 **SUBMISSIONS BY MR. McDONELL:**

22 MR. McDONELL: Thank you, Mr. Fulton. Madam Chair,
23 Commissioners, if it assists, I can advise you that
24 the proposed changes to the timetable by BCTC and B.C.
25 Hydro are acceptable to FortisBC, and indeed I support
26 those changes, as I think they may make a lot of

1 sense. Thank you.

2 THE CHAIRPERSON: Thank you.

3 MR. FULTON: First Nations Energy and Mining Council, Mr.
4 Dimitrov.

5 MR. DIMITROV: I have some copies here of a proposed
6 schedule by the First Nations Energy Mining Council.
7 I'd like to hand them up.

8 THE CHAIRPERSON: Thank you.

9 **Proceeding Time 10:04 a.m. T15**

10 **SUBMISSIONS BY MR. DIMITROV:**

11 MR. DIMITROV: One's a two-pager, one is all on one page,
12 so -- they're all the same, though.

13 Prior to getting to the substance of this
14 matter, I'd just like to provide some background
15 information with respect to who we are. The first --
16 the B.C. First Nations Energy and Mining Council was
17 created by the First Nations Leadership Council and is
18 comprised of the Leadership Council, one member from
19 that Council, one member appointed by the -- each by
20 the B.C. Assembly of First Nations, one member
21 appointed by the B.C. First Nations Summit, and a
22 person on that Council -- on the Mining Council,
23 Energy and Mining Council, by the Union of B.C. Indian
24 Chiefs. The chief executive officer of the B.C. First
25 Nations Energy and Mining Council is David Porter, and
26 for --

1 MR. FULTON: Madam Chair, if I could just interject for a
2 moment, I'm not sure that there are extra copies of
3 the schedule.

4 MR. DIMITROV: I put more up there on the --

5 MR. FULTON: Right. So we need to have copies for the
6 room as well, so --

7 MR. DIMITROV: Maybe during the break we could do that?

8 THE CHAIRPERSON: That might be easier for the group to
9 follow if that was available.

10 MR. FULTON: Yes. Right.

11 THE CHAIRPERSON: I wonder if it is possible, perhaps
12 somebody else to go -- well, how long will you be, Mr.
13 Bemister?

14 THE HEARING OFFICER: Well, as fast I can be.

15 THE CHAIRPERSON: All right. We'll wait for them to
16 return. Thank you.

17 MR. DIMITROV: I'll provide some background.

18 THE CHAIRPERSON: While we wait for that. That's good.

19 MR. DIMITROV: For the purpose of this inquiry, the
20 Energy and Mining Council has identified three people
21 to interact with this process, and they are Dave
22 Porter, Mr. Cam Osler, Mr. John Lawson and myself.
23 And we're participating in this inquiry without
24 prejudice to any aboriginal rights and title in
25 British Columbia. We intend to speak for and
26 represent the interests of First Nations that are not

1 registered as intervenors here, and obviously those
2 that are registered and wish to participate as
3 intervenors will speak for themselves.

4 Now, we're of the view that -- and I'm sure
5 you're aware of it, that there is considerable legal
6 authority that supports the proposition that First
7 Nations in B.C. must be meaningfully consulted and,
8 moreover, that their aboriginal title and rights must
9 be accommodated by the Crown and its agencies, by both
10 B.C. Hydro, BCTC and this particular Commission. We
11 don't see ourselves similar to other intervenors. We
12 see ourselves as intervenors plus, in a sense, because
13 our rights are Constitutional rights. Our rights flow
14 from the fact that there is a considerable amount of
15 undistinguished title in British Columbia -- un-
16 extinguished title in British Columbia, and these are
17 Indian lands, for the most part, in British Columbia.
18 I'm sure that your Commission Counsel will advise you
19 with respect to what the duty of consultation and
20 accommodation means.

21 Now, looking at the proposed schedule, we
22 would -- we've all heard now -- there's the extra
23 copies of the -- thank you.

24 We've heard now from B.C. Hydro, BCTC and
25 Fortis, and I'd like to -- prior to getting into our
26 take on this schedule, I want to talk about the

1 problem that First Nations generally and the First
2 Nations Energy and Mining Council has with respect to
3 interacting with this inquiry. You know, there is a
4 great deal of development taking place in British
5 Columbia. There's -- in all sectors of the economy.
6 And First Nation leaders and their communities, and at
7 the various levels of their self-government
8 organizations, are overwhelmed in terms of trying to
9 respond to government and private sector requests for
10 participation, for information, for dialogue, for
11 intervening, et cetera, et cetera. And there is a
12 tremendous lack of capacity of leadership resources
13 and financial resources and technical resources, to
14 properly and fairly integrate -- fairly dialogue and
15 participate in a way that I think meets the legal
16 obligation to consult meaningfully and to accommodate.
17 And that is a considerable concern to the B.C. First
18 Nations and Energy Council [*sic*].

19 We did file a letter with the Commission,
20 and I go into the last paragraph of that before I get
21 into the actual procedural matters. And the last
22 paragraph of that letter, it talks about the fact
23 that, you know, B.C. First Nations and the B.C. First
24 Nations Energy and Mining Council are -- I'm going to
25 use this word -- "painfully" aware of the fact that,
26 in the past their interests were not properly

1 consulted, their aboriginal rights and title with
2 respect to the electrification of British Columbia
3 were not accommodated, and in many, many instances,
4 negative impacts were poorly mitigated or even not
5 mitigated at all, and for that, I'm thinking of the
6 Cheslatta First Nation, I'm thinking of the folks that
7 live around the Williston Dam, et cetera.

8 And the B.C. First Nations and Mining
9 Council are saying, "Well, you know, we want to look
10 towards a better future, a better future with B.C.
11 Hydro, BCTC and the Commission, a future where these
12 kind of mistakes are something of the past."

13 **Proceeding Time 10:09 a.m. T16**

14 And to take up the words of the current provincial
15 government, we want a new relationship with this
16 Commission. And when we think, as looking across the
17 country, of inquiries that have taken place in the
18 past that tried to involve First Nations peoples, we
19 are thinking of matters of great importance, economic
20 importance. We think of things like the Lysyk
21 Inquiry. We think of the Berger inquiry. These are
22 inquiries that went out into the communities and in a
23 sense took the time, spent the time to get to know
24 what the issues are at the local level. Because
25 really, the determinations you are going to make from
26 the schedule are going to affect the lives of First

1 Nations Communities throughout British Columbia, not
2 only this generation but future generations. And
3 furthermore, there is that legal duty to consult
4 meaningfully and to accommodate.

5 Based on those initial comments, I'd like
6 now to talk about our take on the schedule. I know
7 that, you know, there's a deadline of June 30th, and I
8 must mention that there was really no consultation
9 with B.C. First Nations' governmental organizations
10 with respect to this inquiry, its timing, its need,
11 its terms of reference. It was completely sent down
12 from on high, which is business as usual. And we
13 would have like to have some input at that level, but
14 we didn't.

15 But nonetheless, looking at the schedule as
16 it is now before us, we are of the opinion that we'd
17 like to, as much as possible, to wrap up procedural
18 related matters in the front end of this inquiry as
19 much as possible, whether it be the scoping issues or
20 development issues, or anything to do with procedure,
21 we'd like to wrap that stuff up prior to the filing of
22 information by the participants in September. We
23 think there is a lot of sort of, almost dead time
24 there that could be well utilized by the Commission.

25 We'd like -- now with respect to involving
26 First Nations, I've heard the comments of B.C. Hydro

1 that they intend to have three phases, and that's
2 good. It seems, from our perspective, that unless
3 we've got information filed and we know what, at
4 least, the preliminary submissions are going to be by
5 the main participants, Hydro, BCTC, and Fortis, from
6 our perspective, it breaches fairness and natural
7 justice and this whole concept of accommodation and
8 consultation to go out into the regional hearings, as
9 you call them, without really having full disclosure,
10 or at least a good proportion of disclosure from the
11 proponents with regard to what their information is.

12 I mean, we go out into the communities and
13 we don't know what's coming down and they file after
14 the regional hearings are done, it's perhaps moot. It
15 may not be on point what the submissions are by First
16 Nations. So we would urge you, even though that
17 there's pressure get things done quickly, that when
18 the regional hearings take place we would say sometime
19 in mid-October into early December, that for the most
20 part the information and the evidence filed by B.C.
21 Hydro, BCTC and Fortis is before us, so that we know
22 what we are doing when we go into the regional
23 hearings, where I would expect you are going to engage
24 more fully with First Nation communities and tribal
25 councils.

26 We set the date down tentatively as October

1 the 15th. Now, you may think, "Well, why that?"
2 Well, the reality is if you consider the communities
3 in rural -- First Nations Communities in rural British
4 Columbia, you know, their economies, and I know this
5 well having about a thirty-year experience with First
6 Nations in Canada, that their economies are both wage-
7 labour economies, small business economies and also
8 they have an Indian economy that relates to the land
9 and resources, fishing, game hunting, et cetera, that
10 takes place in September. It's a very important
11 period for them. You start having, you know,
12 regional hearings in the middle of moose hunting
13 season or caribou hunting season, or to do with
14 fisheries and drying fish, it really interferes with
15 their ability to really articulate with this inquiry.
16 So that's why we say, you know, get the regional
17 hearings going in mid-October approximately to early
18 December.

19 And we lay out a kind of plan for you how
20 to do this. We say, well, let's go up north first,
21 because hey, let's get the areas over with where
22 inclement weather might begin to happen earlier in
23 this province, and there could be transportation
24 problems, for not only for yourselves, but also for
25 First Nations people who must, you know, come in from
26 rural villages, et cetera.

1 And then with respect to other matters,
2 we'd like to information requests commencing as soon
3 as after the information is filed by the participants.

4 **Proceeding Time 10:14 a.m. T17**

5 And as to the inquiry itself, well, we're
6 looking to an inquiry that would commence after the
7 Olympics are over, around March 1st, for about four
8 weeks, four to five weeks if need be, and I think that
9 would give the Commission time to complete its draft
10 report by the end of June.

11 So, with respect to your issues list, here,
12 there are some other matters that I need to make
13 comment on with regard to that. Number one is that
14 you want submissions with respect to scoping, a
15 deadline of May the 15th. Well, let's go back to
16 capacity for a moment. We don't have any funding. We
17 don't have interim funding, we have nothing at all to
18 address anything whatsoever. I mean, we've got staff
19 assigned to this that are right now acting on a *pro*
20 *bono* basis, expecting at some point in time, some kind
21 of arrangements for funding with the Commission or
22 with B.C. Hydro will be arranged. But this date of
23 May 15th for final submissions, we're going to have to
24 meet that if that's the date, but we'd certainly like
25 to finalize some kind of process or some kind of firm
26 capacity funding agreement prior to that.

1 With respect to the other issues that you
2 identify here, the nature of the difficulties really
3 come to capacity. And we need to have the monies and
4 the time to hire and to work with our experts in this
5 matter. Mr. Cam Osler and Mr. Lawson and myself, with
6 -- and First Nations input from Dave Porter,
7 respecting this matter.

8 Now, regarding technical workshops, we're
9 all for it. We'd like to see some of the marmalade
10 words made into jam words. That means, technical
11 language into something that we can all understand.
12 Marmalade and jam being equal, it's a term used up for
13 the Berger inquiry. I think it's a good term we can
14 think about here. To make the technical kind of
15 language understandable by all participants, including
16 First Nations participants. So wherever possible,
17 let's try to use jam language, not marmalade language.

18 Essentially, those are my submissions, and
19 I think we as B.C. First Nations Energy and Mining
20 Council look forward to this inquiry. We hope that --
21 we have the best hopes that this Commission and the
22 various participants will articulate with us, interact
23 with us, in a manner that meets their legal obligation
24 to consult meaningfully, and also to accommodate
25 aboriginal rights and title, which includes an
26 economic component.

1 Those are my submissions, and if there's
2 any questions, I'll take them now.

3 THE CHAIRPERSON: Thank you, Mr. Dimitrov.

4 MR. FULTON: Mr. Heap, do you have any submissions you
5 wish to make to the schedule, given that there have
6 been two new schedules that have been circulated? So,
7 David Suzuki Foundation, Madam Chair.

8 **SUBMISSIONS BY MR. HEAP:**

9 MR. HEAP: Hello, there. Thanks for the opportunity to
10 comment.

11 Having heard about the B.C. Hydro revised
12 timeline, I can speak to questions 2 and also 2(a) and
13 2(c). We are supportive of the B.C. Hydro timeline
14 for the procedural conference because this provides
15 for a more detailed process in which BCUC can give
16 direction on scope.

17 I'd like to stress that a discussion of the
18 goals and objectives of this process is a crucial part
19 of that, and I think it's very important that we have
20 that discussion up front, because it's going to have
21 such a determinative effect on the kinds of
22 information we're gathering and the way that we're
23 assessing the various scenarios that come out of this
24 work. So I think that's a very important part of the
25 -- of this procedural conference coming up.

26 When it comes to question 2(c), the --

1 there's two points there. Who will provide
2 information on the potential for generation in various
3 regions? This is certainly an area where the NGO
4 community would like to comment, and if I could, I
5 would like to make -- reiterate that there has been
6 the Western renewable energy zones process. As I've
7 said before, we are supportive of the methodology
8 that's laid out in the charter of the Western
9 renewable energy zones process. But I would highlight
10 that the process as laid out in the charter and the
11 products that are coming out of the process in B.C.
12 are different. And we shouldn't assume that the
13 products coming out of the BCUC -- pardon me, of the
14 WREZ process, have necessarily adhered to the WREZ
15 methodology as it was originally set out.

16 In particular, we're leery of -- or, we're
17 concerned of an assessment of generation options that
18 is biased by the structure of the existing
19 transmission network, or that uses costs up front as a
20 screening mechanism for energy potential.

21 **Proceeding Time 10:20 a.m. T18**

22 The WREZ process looks at, at energy potential, it
23 looks at environmental sensitivity, finds the areas of
24 high energy potential, low environmental sensitivity
25 and then does a cost/benefit analysis to see which
26 areas are suitable for development, and we would

1 strongly suggest that this is a good way of
2 approaching. That doesn't actually look at the
3 transmission, the existing transmission network or
4 cost for delivering power to the transmission line up
5 front. It does it at the back end after you determine
6 where your promising areas for development are, and
7 then you are able to make a better assessment based on
8 the whole energy potential.

9 My last comment would be on the information
10 for protected areas. Again, we believe we have a role
11 in commenting on that. I would note that the
12 Memorandum of Understanding, in line 32 of the
13 preliminary, I think it's page 1, the Memorandum of
14 Understanding talks about the desirability of
15 minimizing impacts and supplying renewable energy
16 needs for economic, social and environmental needs.
17 I'd also point out that in Section 3(a) subsection 3,
18 on page 3 of the MOU, it talks about that areas
19 excluded from development should include but not be
20 limited to, or not necessarily be limited to protected
21 areas. So I want to make sure that we are not just
22 talking about protected areas, but areas of
23 environmental sensitivity as noted in the MOU itself.

24 And those are my comments, thank you.

25 THE CHAIRPERSON: Thank you, Mr. Heap.

26 MR. FULTON: Joint Industry Electricity Steering

1 Committee, Mr. Wallace.

2 **SUBMISSIONS BY MR. WALLACE:**

3 MR. WALLACE: Thank you. Madam Chairman,
4 Commissioners.

5 JIESC generally supports B.C. Hydro and
6 BCTC's proposals. We find them worthwhile and
7 helpful.

8 I'd like to address four issues very
9 briefly, the scoping process, IRs on intervenor
10 evidence or participant evidence, filing of final
11 comments, and staff hosting workshops.

12 First with respect to the scoping process
13 proposed by B.C. Hydro and BCTC, we believe that it's
14 an excellent idea, a staff strawman on scoping being
15 circulated in advance would be very helpful. I think
16 it's done a lot of good in the scheduling and would be
17 useful there.

18 A workshop also would be useful. These are
19 the vital issues of the hearing, where it's going, the
20 work that's going to be done. If we can get agreement
21 early on that, it will be helpful. We do have some
22 time up front as has been pointed out, and a scoping
23 workshop, I think, would be a good use of that time.

24 With respect to intervenor or participant
25 evidence, we believe that information requests,
26 hopefully focussed and limited again, is essential.

1 This evidence can come from a wide range of
2 perspectives. If it isn't looked at in an IR process,
3 it will be on cross-examination at the hearing. I
4 think that will delay that process not only at the
5 hearing but also in preparation of replies to
6 questions asked in the hearing. So again, it would be
7 very useful.

8 With respect to the filing of final
9 comments on the staff strawman, straw dog, whatever it
10 is, there are question marks around the issue of final
11 submissions on issues. We submit that final comments
12 or final submissions is absolutely vital. If you
13 don't get that, the only opportunity for participants
14 to comment broadly will be by filing intervenor or
15 participant evidence. And if it's done in that way,
16 one, people have to come and speak to it; and two,
17 it's done before you hear all positions; three, by
18 evidence it means people are getting up to talk about
19 areas where they aren't necessarily experts but where
20 they want to comment, and I think that's far better
21 handled in submissions.

22 I also point out that if you don't get
23 those arguments after the oral hearing, you are going
24 to get them after the draft inquiry report is
25 circulated, and in my submission, far better that you
26 get them before the draft inquiry report is submitted

1 when everybody all of a sudden comes back with the
2 arguments they've been holding up. Better you get
3 them first, then write your draft report, having those
4 submissions in mind.

5 So those comments have to be there.
6 Ideally, building on what Mr. Godsoe suggested, all
7 parties file at the same time, and I would suggest to
8 you, one week later all parties have an opportunity to
9 file a reply or comments on the other submissions.
10 Again gives you a full balance, and by limiting it to
11 a week, I think you will have only the comments on the
12 most vital issues. People can't get out and write a
13 couple of hundred pages in a week, and that should
14 work pretty well.

15 **Proceeding Time 10:25 a.m. T19**

16 Finally, we support staff hosting all of
17 the workshops. We think, given the type of inquiry,
18 it's a very useful way to proceed. It also ensures
19 that there is less opportunity for gaps, simply due to
20 perspective. Staff has a responsibility for the
21 overall process. We think they do a good job and we
22 would like to support their continued involvement.

23 Thank you.

24 THE CHAIRPERSON: Thank you, Mr. Wallace.

25 Looking at the clock, it looks like it's
26 10:30 and time for our break so we'll adjourn for

1 fifteen minutes.

2 **(PROCEEDINGS ADJOURNED AT 10:26 A.M.)**

3 **(PROCEEDINGS RESUMED AT 10:44 A.M.)** **T20**

4 THE CHAIRPERSON: Please be seated.

5 Mr. Fulton?

6 MR. FULTON: Madam Chair, in your opening remarks you
7 raised the issue of converting BCTC, B.C. Hydro and
8 FortisBC to B-number, or B-letter exhibits. I've
9 spoken with those three entities, or their counsel,
10 and I would like to make that change now for the
11 purposes of the record, because we should mark the
12 B.C. Hydro/BCTC proposed timetable as an exhibit, and
13 we also need to formally mark the First Nations Energy
14 and Mining Council proposed timetable as an exhibit.

15 So, for the purposes of going forward,
16 then, British Columbia Transmission Corporation will
17 become B-1, in terms of their series, and at present
18 they have three exhibits under C-18 -- or, two
19 exhibits under C-18. C18-1, C18-2, those would now
20 become B1-1 and B1-2, and if the BCTC/B.C. Hydro
21 proposed timetable could be marked, then, Exhibit B1-
22 3.

23 (EXHIBIT C18-1 REMARKED AS EXHIBIT B1-1)

24 (EXHIBIT C18-2 REMARKED AS EXHIBIT B1-2)

25 ("BCTC/B.C. HYDRO PROPOSED TIMETABLE AND PROCESS"

26 MARKED AS EXHIBIT B1-3)

1 MR. FULTON: Secondly, B.C. Hydro is presently listed as
2 participant C-14, and they have two exhibits. If
3 those exhibits now could be renumbered B2-1 and B2-2.
4 (EXHIBIT C14-1 REMARKED AS EXHIBIT B2-1)
5 (EXHIBIT C14-1 REMARKED AS EXHIBIT B2-1)

6 MR. FULTON: Next, FortisBC presently is listed as
7 participant C-42. Fortis has filed one exhibit to
8 date, so if that exhibit could now be renumbered
9 Exhibit B3-1.
10 (EXHIBIT C42-1 REMARKED AS EXHIBIT B3-1)

11 MR. FULTON: And finally, for the proposed timetable of
12 the B.C. First Nations Energy and Mining Council, if
13 that document might be marked Exhibit C1-4.
14 ("PROPOSAL TO B.C. UTILITIES COMMISSION" DATED APRIL
15 24, 2009 FROM B.C. FIRST NATIONS ENERGY & MINING
16 COUNCIL, MARKED AS EXHIBIT C1-4)

17 THE CHAIRPERSON: Thank you, Mr. Fulton.

18 Now, before we proceed with the next
19 submissions on Exhibit A-6, I would just like to bring
20 to your attention that, based on the input this
21 morning, during our break, that the Panel concluded we
22 want to put to you one more question to consider and
23 those of you coming forward now, please, I ask you to
24 comment right away, if possible, and those of you who
25 spoke earlier are then welcome to comment
26 subsequently.

1 attributes a great deal of importance to the scope
2 workshop and the gap workshop and we would very much
3 appreciate having the Commissioners attend.

4 Now, whatever other submissions I might
5 have made, they have been made by others already. So
6 I presume no questions?

7 THE CHAIRPERSON: Thank you, Mr. Skosnik.

8 MR. FULTON: British Columbia Sustainable Energy
9 Association and the Sierra Club of British Columbia,
10 Mr. Andrews.

11 **SUBMISSIONS BY MR. ANDREWS:**

12 MR. ANDREWS: Thank you. Madam Chair, Members of the
13 Panel, BCSEA supports the BCTC/B.C. Hydro proposal for
14 changes in general to the original strawman agenda
15 prepared by staff with the modifications set out by
16 Mr. Feldman [sic] and endorsed by Mr. Godsoe.
17 Incidentally, with all due respect to Sam Peckinpaw, I
18 hope that the staff comes forward with a strawman
19 document and not a straw-dog document.

20 BCSEA sees the scoping process as very
21 important, and as Mr. Heap identified, identifying
22 goals and objectives is very important and in an
23 traditional application driven proceeding, the
24 application, in a sense, is implicitly the goal and
25 objective. The goals and objectives are for the
26 Commission to make a decision in response to the

1 application, and this being an inquiry, that necessary
2 focus isn't present and it's really important that the
3 inquiry panel take that on as the panel's inquiry and
4 making your own decisions about what goals and
5 objectives you, based on input through this process,
6 decide you want to achieve in your final report.

7 So yes, BCSEA supports the concept of a
8 strawman scoping document to be prepared by staff,
9 followed by written submissions and a workshop.
10 BCSEA would support the concept of that staff strawman
11 document being something that the Panel itself has
12 input into. There's -- it's unknown to the outsiders
13 what the relationship between, in a traditional
14 hearing, of the Panel and the staff strawman documents
15 are, but in this particular case, whatever is the
16 traditional approach, it seems to me entirely
17 appropriate that the Panel have a strong role in the
18 preparation of documents like that.

19 And yes, we would certainly favour the
20 participation of the Commission Panel in the workshop
21 on scoping, and while I'm on the topic regarding
22 identification of the gaps on early December.

23 I'd like to mention that one of the terms
24 used in A-6 is the identification of protected areas,
25 and I just want to flag that from the environmental
26 and land-use planning perspective, we view that term

1 as too narrow. It has connotations in that context
2 that limit areas to locations that have already
3 existing protection of some sort, and I'm not going to
4 get into exactly how that works, but in general, we
5 want to use language that doesn't define the content
6 just by the choice of words. So a term like "stay-
7 away zones" or some informal language to describe
8 areas where generation ought not to be located as
9 distinct from a particular legal concept.

10 It was my intention to address the PACA
11 participant funding issues as part of the schedule, so
12 I'll do that. I note that Mr. Quail proposed it as an
13 additional issue.

14 **Proceeding Time 10:53 a.m. T22**

15 THE CHAIRPERSON: If I may interrupt, Mr. Andrews, we'll
16 welcome your input and Mr. Quail's as well, but just
17 that everybody is aware of that, this is one of the
18 topics we will be fully addressing, then, in the
19 second conference. But certainly we are receiving
20 input today, that would be fine.

21 MR. ANDREWS: Thank you. This is not a typical
22 application-driven process, and in my submission the
23 participant assistance cost awards, which I'll refer
24 to as PACA guidelines, are established to suit an
25 application-driven process. And in my submission,
26 there needs to be serious re-thinking of how the PACA

1 awards system will work for this particular inquiry.

2 Among the many factors in this inquiry,
3 there are many participants who don't know the
4 Commission, haven't participated in Commission
5 proceedings before, and who the Commission is
6 unfamiliar with, and doesn't know what to necessarily
7 make of their proposed participation. The current
8 PACA process relies very heavily on the concept of a
9 budget estimate being provided, and then a staff
10 review letter being sent back. And that feedback
11 provides a kind of green light/red light/yellow light
12 signal to the applicant.

13 The extent to which that staff review
14 letter can be seriously relied upon by the participant
15 is crucial to the way the existing process works, and
16 there's going to be a problem with that here, because
17 of the number of groups that don't have experience
18 with the Commission and *vice versa*, and because of the
19 duration of the proceeding, and so in general I think
20 that the process that is developed needs to assure
21 predictability as a -- and exactly how that should be
22 done I have suggestions for, but the fundamental
23 concept is that we need to have more predictability in
24 this PACA process than would happen if we simply
25 applied the guidelines as an existing chunk.

26 It was suggested in A-6 that PACA

1 applications could be received two weeks after the
2 Commission's determination on scope. That appears
3 reasonable to BCSEA. But again, the staff review
4 letter that would come in response to those
5 applications, we would suggest, needs to have input
6 from the Panel, and needs to be something where the
7 usual caveats are totally rewritten. I'm not saying
8 there should be no caveats, but it's not going to work
9 to simply say that anything said in this letter means
10 absolutely nothing in relation to whether you're
11 really going to get money at the end of the day.
12 Because groups need to make decisions regarding the
13 devotion of resources, and at least speaking for
14 BCSEA, they're not in a position to be able to gamble
15 that large amount of resources. And in particular,
16 they would sooner receive a red light than receive a
17 green light and then get no award.

18 I think at that point when the staff review
19 letter comes out, it should also be contemplated that
20 there may be participants for whom a cost award could
21 be made for their work to date, even if it's decided
22 that, based on the interests that they've expressed, a
23 cost award is not likely to be made for their
24 continued participation, either in general or at the
25 proposed level of intensity. And one of the reasons
26 for that is that that group may well have made

1 that it may well be desirable to identify which of the
2 B-series participants will pay for the PACA awards,
3 because that is not yet obvious.

4 In terms of issue 2(c), B.C. Hydro --
5 counsel for B.C. Hydro indicated that it would work
6 with IPPBC and other participants regarding areas for
7 -- that are focused for renewable and generation. I
8 don't disagree with that, but the BCSEA would also
9 want examination of generation areas that are not
10 constrained by the proposals and analysis that has
11 been done to date, which are obviously based on the
12 existing transmission system. So in other words, all
13 of the work done to date assumes an existing
14 transmission system, and if this inquiry is going to
15 implement the intention of seriously looking at the
16 province and planning transmission options, it needs
17 to have information about desirable locations for
18 renewable generation that may not have emerged based
19 on the existing transmission system. And so BCSEA
20 would be interested in talking with Hydro about how to
21 do that, or that that be done in the course of Hydro's
22 contribution of evidence regarding generation areas.

23 Regarding technical workshops, yes, BCSEA
24 supports strongly the concept of technical workshops,
25 and yes, that the Commission staff should host certain
26 of the technical workshops. We support the notion of

1 having final comments or submissions, argument if you
2 will, at the last point prior to the Commission's
3 draft report, and also endorse Mr. Wallace's
4 suggestion that there be an opportunity for reply one
5 week after the main submission of final comments.
6 That would be a very, very useful opportunity for
7 everyone involved to get a sense of what the other
8 parties think about their respective proposals.

9 So, subject to any questions, those are my
10 submissions.

11 THE CHAIRPERSON: Thank you, Mr. Andrews.

12 MR. ANDREWS: Thank you.

13 MR. FULTON: Columbia Power Corporation, Mr. MacIntyre.
14 Columbia Power Corporation has no submissions, Madam
15 Chair.

16 British Columbia Old Age Pensioners'
17 Organization, Mr. Quail.

18 **SUBMISSIONS BY MR. QUAIL:**

19 MR. QUAIL: First of all, I'd like to express our general
20 support for the proposals from BCTC and B.C. Hydro,
21 and the modifications proposed by Mr. Wallace, but I
22 do have a number of items I would like to comment on.

23 First of all, I would like to commend B.C.
24 Hydro for their interest in developing a parallel but
25 necessarily also integrated process for addressing
26 First Nations' concerns. In my submission, how well

1 the Commission and the utilities address this issue is
2 going to make or break this process, and we only have
3 to look at recent history with major proceedings, I
4 think, to confirm that. But the point which my friend
5 Mr. Dimitrov made, to the effect the First Nations are
6 not just stakeholders, their role in this has a
7 constitutional grounding, and one that the courts will
8 be very keen on enforcing, is extremely important.
9 So, that part has got to be gotten right. If it's
10 gotten right, this could be an extremely useful
11 process.

12 So, there is a need for an early process to
13 help determine what the objectives of the inquiry are
14 in that regard. Even though the inquiry will not be
15 making determinations on any specific projects or
16 initiatives, I submit there's lots of room to advance
17 the cause of reconciliation between the Crown and
18 First Nations, at a minimum developing sets of
19 principles and perhaps a blueprint for addressing
20 these issues in the future. But that's primarily a
21 question between the First Nations and I guess I'll
22 call them "proponents", the B-list participants, shall
23 we say. And the consultation process that Mr. Godsoe
24 has described, in my submission, looks like a useful
25 move in that direction. But we do have to figure out
26 what we want to get to first if we are going to design

1 a process that gets there, and again I commend all of
2 that.

3 **Proceeding Time 11:04 a.m. T24**

4 I'd like to express my agreement with the
5 proposals made by B.C. Hydro in terms of the scoping
6 process. A number of others have addressed that so
7 I'll simply say that without embellishing further.

8 I'd also like to express our support for
9 B.C. Hydro's notion of having an expert on export
10 markets who would be selected and given terms of
11 reference in consultation with various participants,
12 particularly customer groups, and we are very keen
13 that. That would be very useful, and provide much
14 more useful information. And if the Commission had to
15 rely on what might be seen as more partisan sources of
16 expertise from every quarter.

17 I won't say very much on the issue of PACA
18 since that's been -- is going to be dealt with in
19 greater detail at the next procedural conference,
20 except to say that in my submission there is a need
21 for some kind of a mechanism to provide, perhaps, an
22 interim award. I was thinking, in terms of a the
23 point immediately after the submission of information
24 requests to the B-parties would be a useful point to
25 do that.

26 And we also support the pitch for

1 essentially upfront costs for First Nations. Making
2 sure that there is adequate resources for that part of
3 the process to work is going to be a part of the
4 equation that, in my submission, is inescapable. So
5 that the Commission does need to pay attention to that
6 issue and make sure that the First Nations'
7 participants are adequately resourced, or else the
8 consequences will be felt after the event.

9 On the question of information requests, I
10 also support the necessity of an opportunity for
11 intervenor evidence to be exposed to information
12 requests. This is going to make the oral phase much
13 more efficient, make the entire process much more
14 productive.

15 In terms of the question of IRs in
16 particular, I mean where the deluge is at risk of
17 happening is with respect to BCTC and B.C. Hydro. And
18 having a gap workshop is, in my submission, a very
19 useful way to do that, have a more dynamic face-to-
20 face process to answer some of the questions.

21 And there should be a defined process then
22 to -- sort of a clearing-house process in anticipation
23 that there may be a deluge of IRs directed to those
24 parties notwithstanding the process. And here is what
25 I would propose, that B.C. Hydro, BCTC or Fortis be
26 able to object to answering any information request on

1 a number of grounds: First that it is out of scope
2 or irrelevant.

3 Second, that it fails the materiality
4 versus work involved test, which tends to be the real
5 problem in terms of a lot of marginal IRs that send
6 the utilities scrambling to come up with the
7 information that, in the end, has no real impact on
8 the end result. They should be at liberty to object
9 to an information request by asserting that, at
10 liberty to object on the basis of confidentiality, and
11 there the Commission has a process for confidential
12 disclosure, upon giving an undertaking, or privilege
13 or some other basis.

14 And then there should be a mechanism for
15 summary determination. If somebody -- if a party is,
16 you know, feels confident that their information
17 request is something that should be answered, there be
18 a summary process to settle the questions, perhaps one
19 member of the Panel or some other mechanism, just you
20 know, rough and ready, make the decisions, and get on
21 with it. Because it would not be helpful to have
22 5,000 information requests burdening this process.

23 On the issue of the final comments, I would
24 like to support Mr. Wallace's suggestion specifically
25 that there be an opportunity for participants to file
26 submissions or source comments in response to other

1 participant's comments, perhaps with a one-week delay,
2 and at least that might discourage some parties from
3 going on hundreds of pages. I predict there will
4 still be some fairly lengthy reply comments, but I can
5 assure you they won't be coming from me.

6 Finally on the issue of Panel attendance at
7 the workshops, that is an excellent idea and we
8 support that. The one proviso is that with the Panel
9 there, there may be a temptation for some parties to
10 sort of turn it into the oral hearing. There should
11 be some kind of a gong that gets sounded if somebody
12 starts cross-examining or otherwise engaging in
13 approaches which are more suitable to an adversarial
14 hearing. So subject to that word of warning, about
15 how it could affect the dynamic of the process, it
16 would be a very profitable thing. And there may also
17 be other parts of the process where a direct
18 participation of the Panel should be borne in mind.
19 The nature of the proceedings not being application
20 drawn does give lot more latitude for that. And to
21 the extent that the Panel is sharing information with
22 everybody else in the room, it is going to make the
23 whole thing work better.

24 So those are my submissions subject to any
25 questions you might have.

26 **Proceeding Time 11:10 a.m. T25**

1 THE CHAIRPERSON: Perhaps one more follow-up question,
2 Mr. Quail. You and some other participants already
3 have brought up this concept of objectives and goals,
4 and we -- I think we all know that the terms of
5 reference very clearly set our mandate, which could be
6 defined as our goals, but you mentioned already one
7 example, which is the advance to reconciliations with
8 First Nations.

9 MR. QUAIL: Yes.

10 THE CHAIRPERSON: Can you already plant a couple of seeds
11 of examples with other ideas, what you have in mind?
12 Or should we wait for the next conference?

13 MR. QUAIL: I think that that is better dealt with in the
14 context of scope, but I did specifically and
15 deliberately raise it in the context of First Nations'
16 issues, which are not really addressed with any
17 substance in the terms of reference, and are not
18 explicitly addressed in the documents that have been
19 submitted so far in the proceedings by the utilities.
20 And what I had in mind specifically concerning goals
21 and objectives in relation to First Nations' issues is
22 not something as abstract as advancing the cause of
23 reconciliation. I mean, that's the point of all of
24 this.

25 But there should be -- it would be very
26 useful -- and again, this is something that's

1 primarily between the utilities and the First Nations.
2 But I would encourage the utilities to seek agreements
3 early in the process about notionally where this --
4 what kind of end result are we seeing achieving around
5 those issues? For example, are we hoping to develop
6 some kind of a blueprint that tells us how we deal
7 with those issues when projects actually come rolling
8 forward, flowing from the inquiry? Are there basic
9 principles that can be adopted that might provide some
10 foundation for this? Because we are, you know, very
11 active parties or interested parties in terms of the
12 implications of all of this, because it all has
13 significant implications for ratepayers.

14 But ultimately, this is about the
15 relationship between the First Nations, the Crown
16 utilities and the Commission. And progress on that
17 front will help us to avoid difficulties like the ILM,
18 where a very important project has been set back
19 because the mechanism didn't adequately address that
20 question. So, it's a part -- it's in everybody's
21 interests to get this right, and follow a process that
22 everybody can leave the room feeling good about, and I
23 think special attention needs to be paid to that,
24 because a lot of people in the room here come here
25 thinking, "Well, this inquiry is really about us."
26 Well, that's closer to being true, in fact, in

1 relation to First Nations than other participants.
2 It's about everybody here, but there's particular
3 issues that need to be addressed within particular
4 constitutional status and legal consequences, that
5 it's in everybody's interest to have adequately
6 canvassed.

7 So I hope that that helps to clarify
8 things. In relation to other issues, I think it
9 should flow from the scoping discussion.

10 THE CHAIRPERSON: I believe Commissioner Harle also has a
11 follow-up question.

12 COMMISSIONER HARLE: Well, more of a statement, perhaps,
13 rather than a question. I guess while we may be
14 sympathetic and concur with the points that you're
15 making, at the risk of sounding a little pedantic, we
16 haven't set the terms of reference -- "we" the
17 Commission. We are subject to those terms of
18 reference as they've been presented to us.

19 MR. QUAIL: Yes.

20 COMMISSIONER HARLE: So our mandate falls with the terms
21 of reference that we've been presented. We have to be
22 cautious that we don't make our own up.

23 MR. QUAIL: Yes, that's absolutely correct. I agree.
24 But I do submit that there is a lot of room -- the
25 terms of reference are essentially minimum standards,
26 the things that need to be done, the particular

1 questions you've got to ask. But in getting to a lot
2 of those issues, there's a lot of other dimensions
3 than are what just are in the terms of reference.

4 COMMISSIONER HARLE: I accept that.

5 MR. QUAIL: And in my submission, it goes without saying
6 that the First Nations' issues are a part of that, and
7 if they were -- if we were to say they were not, I
8 suspect the Court of Appeal would disagree with us
9 all.

10 Any other questions?

11 THE CHAIRPERSON: Thank you, Mr. Quail.

12 MR. FULTON: TransCanada Energy, Mr. Karabatsos.

13 **Proceeding Time 11:14 a.m. T26**

14 **SUBMISSIONS BY MR. KARABETSOS:**

15 MR. KARABETSOS: Madam Chair, Commissioners, TransCanada
16 will briefly address all three issues.

17 Issue number one regarding scheduling, in
18 order to allow participants more fulsome involvement
19 prior to the inquiry hearing, TransCanada supports the
20 submissions of BCTC, B.C. Hydro and the B. C. First
21 Nations Energy and Mining Council to move the inquiry
22 hearing forward until March 2010 after the Olympics.
23 TransCanada has no position or preference on the
24 schedule for the workshops, information filing and
25 regional hearings and leaves that to other parties.

26 On issue number 2, regarding the next

1 procedural conference, the proposed dates of May or
2 June for a second procedural conference and May 15 for
3 filing written submissions on scope do not present
4 difficulties for TransCanada. The second procedural
5 conference would be an appropriate forum to consider
6 the issues set forth by the Commission. However, we
7 believe imports should be considered as well as
8 exports.

9 And on issue number 3, regarding technical
10 workshops, TransCanada has no objection to technical
11 workshops being held during the summer. However, we
12 believe there should be a workshop focussing on the
13 technical as opposed to the political aspects of
14 imports and exports. And we have no position on the
15 Commission attending any of the workshops.

16 Thank you.

17 THE CHAIRPERSON: Thank you, Mr. Karabetsos.

18 MR. FULTON: Sunshine Coast Regional District. Mr.
19 Rafael? No submissions.

20 Commercial Energy Consumers Association of
21 British Columbia, Mr. Weafer.

22 **SUBMISSIONS BY MR. WEAFER:**

23 MR. WEAFER: Good morning, Madam Chair.

24 Dealing with the issue you put on the table
25 before we started off after the break, we -- if the
26 Commission believes it will make for a more effective

1 report drafting process for the Commission by
2 attending the workshops, we would fully endorse and
3 support the Commission attending, particularly the
4 scope and gap workshop. This is a unique process, and
5 if the Commission deems that's the best way for them
6 to go forward, we would absolutely endorse that.

7 Turning specifically to the issues in the
8 Exhibit A-6, item 1, the CEC does support the revised
9 schedule as put forward by BCTC and supported by most
10 other intervenors who have gone before me. We believe
11 it does provide a bit more time and flexibility in
12 terms of all parties getting their tackle in order in
13 terms of the scope of this process.

14 With respect to the submission by Mr.
15 Dimitrov, we do believe that B.C. Hydro's effort to
16 create a parallel process of consultation with First
17 Nations is an excellent step to deal with the concerns
18 of First Nations, and while we have some question at
19 this point as to how that process will report back out
20 into this inquiry, we think that that is the most
21 effective way to deal with First Nations' concerns and
22 so we would endorse Mr. Feldman's [sic] proposal in
23 Exhibit B-1 over Mr. Dimitrov's scheduling proposal.

24 With respect to the next procedural
25 conference, as others have said, scoping is critical
26 and how we manage that procedural conference is key.

1 We are getting a lot of agreement today around
2 process. Scope may be a little bit more of a
3 challenge, so all efforts that can go to creating an
4 effective scoping process in that procedural
5 conference will benefit all of us and particularly the
6 report that evolves and results from this proceeding.

7 With respect to the issues outlined in item
8 2(c) those are, I think, a fair summary of the key
9 issues. There are others obviously. The CEC would
10 strongly endorse the concept of an independent third
11 party expert on export and imports, if that's the
12 scope that's determined, and an ability for all
13 stakeholders or participants to have input on the
14 terms of reference for that retainer. We think that's
15 a very important retainer, and that is an effective
16 way in this non-adversarial process to get some good
17 evidence on the record for us to assess, and the CEC,
18 as you know, has taken a strong position on export
19 issues in the past and trade income issues. So that
20 is a material matter for us.

21 The other issue, and we would endorse Mr.
22 Godsoe's comments in terms of B.C. Hydro's attempt to
23 update its load forecast. We took serious issue with
24 the load forecast in the LTAP process, and we look
25 forward to an updated filing in terms of the base of
26 evidence relied on for this report. And so we endorse

1 Mr. Godsoe's request for some time to update that load
2 forecast and rely on the 2009 load forecasts for this
3 report.

4 In terms of the technical workshops, the
5 CEC, again, strongly endorses the concept of technical
6 workshops. There was a lot of marmalade involved in
7 this proceeding and technical workshops will hopefully
8 turn it into jam, and so we support that. And we do
9 also appreciate the confidence of the Commission staff
10 and their ability to lead those workshops and would
11 suggest that that is the proper way to go in terms of
12 the management of the workshop process.

13 Lastly just on a couple of detail points
14 then, we do endorse, as others have, Mr. Wallace's
15 submission, a one week turn-around for comment on
16 final arguments submitted -- or final submissions,
17 sorry, by all parties. We think that's a reasonable
18 timeframe to reply without creating too much a
19 detailed reply process, and obviously people will have
20 to hit the highlights in that period of time.

21 **Proceeding Time 11:20 a.m. T27**

22 And lastly, the IR process, any evidence
23 filed in this proceeding -- and there may be a line in
24 this proceeding between submissions that come in
25 versus evidence, but certainly on evidence that is
26 being treated by the Commission as evidence, there --

1 absolutely essential there be an IR process so parties
2 can take a run and challenge any submissions that are
3 taken by the Commission as evidence that they rely on
4 for their report. And it just -- to add to that, Mr.
5 Quail's comments in terms of the test of dealing with
6 the IRs. We thought that was a helpful submission in
7 terms of having a bit of a set of ground rules, in
8 terms of what has to be replied to by the parties
9 responding to Information Requests.

10 So, Madam Chair, those are the CEC's
11 submissions on the process.

12 THE CHAIRPERSON: Thank you, Mr. Weafer.

13 MR. WEAFER: Thank you.

14 MR. FULTON: City of New Westminster, Ms. Cochrane. No
15 submissions.

16 Corporation of the City of Nelson, Mr.
17 Gustafson.

18 **SUBMISSIONS BY MR. GUSTAFSON:**

19 MR. GUSTAFSON: Thank you, Madam Chairman, members of the
20 Commission. I am in the fortunate position of being
21 able to be brief in that I can adopt much of what has
22 gone before me.

23 With respect to your questions regarding
24 the Commission panel's attendance at the scope
25 workshop and the gap workshop, we support and endorse
26 the submissions made by Mr. Andrews with respect to

1 that matter. It's obvious that the importance of
2 identifying issues and clearly delineating scope is
3 going to be critical to the process, so we support
4 that.

5 Generally, the city of Nelson supports the
6 BCTC proposed timetable in that respect. We endorse
7 and support Mr. Wallace's submissions and, in
8 particular, we wish to expressly support the
9 suggestion for a limited opportunity to provide reply
10 submissions at the conclusion of the process. And
11 with respect to Information Requests, we support the
12 submissions just made by Mr. Weafer on behalf of the
13 CEC.

14 Thank you.

15 THE CHAIRPERSON: Thank you, Mr. Gustafson.

16 MR. FULTON: Mr. Vulcano.

17 **SUBMISSIONS BY MR. VULCANO:**

18 MR. VULCANO: Thank you for the opportunity to comment.
19 I have two comments on the information provided. One
20 is on the one week to reply to all submissions. I
21 don't find that pragmatic. I'd like to see them
22 staggered if we're only going to have one week, or, if
23 you want to have them all at the same time, then give
24 a longer period of time, perhaps one month.

25 And the other is on consultation. B.C.
26 Hydro has mentioned having consultation with First

1 Nations, and it would be open and transparent, but
2 that's not the same as meaningful, that that other
3 fellow from the First Nations talked about having
4 meaningful consultation. So I'd like to suggest
5 perhaps having a workshop on consultation.

6 Thank you.

7 THE CHAIRPERSON: Thank you, Mr. Vulcano.

8 MR. FULTON: Terasen Utilities, Mr. Perttula? No
9 submissions. ESVI *et al.*, Mr. Lewis? No submissions.
10 Independent Power Producers' Association of British
11 Columbia, Mr. Austin?

12 **SUBMISSIONS BY MR. AUSTIN:**

13 MR. AUSTIN: I'd like to start with the easy one first,
14 and the IPPBC supports Panel participation in any
15 workshop that it wants to go to, and in particular the
16 two that were referenced in the Chair's remarks.

17 With respect to the timetable, in terms of
18 the Commission's proposed timetable, it was either
19 more up-front or more in the back, given the concerns
20 about the Olympics. And since most intervenors now
21 support an extended timetable, the IPPBC supports
22 BCTC's proposed timetable. It also supports comments
23 that have been made about intervenors filing final
24 comments, and reply, and also intervenor Information
25 Requests.

26 With respect to the concept of this so-

1 called export expert, it's really up to the
2 participants such as B.C. Hydro and BCTC to determine
3 that. There should be no difference between the
4 evidence of that export expert than any other evidence
5 introduced by any other participant. It should have
6 no special status, and The remarks that I was hearing
7 was somehow this was supposed to have special status,
8 but maybe I am incorrect in that.

9 **Proceeding Time 11:25 a.m. T28**

10 I would point out that B.C. Hydro has a
11 tremendous amount of internal expertise in terms of
12 exports. It's called Powerex. And that would seem to
13 be a source that ought not to be overlooked by B.C.
14 Hydro should it want to bring that type of information
15 forward as opposed to hiring an export expert. It
16 doesn't really make a lot of sense to the IPPBC to
17 hear from an export expert when it has -- when B.C.
18 Hydro has so much internal expertise in terms of
19 Powerex.

20 One thing that the IPPBC is concerned about
21 is just generally what the outcome of this particular
22 process is going to be. In listening to B.C. Hydro's
23 submissions and the concerns about the load forecast
24 and the 2009 update and the LTAP decision, we just
25 went through the LTAP proceedings, and it's pretty
26 clear to the IPPBC that in terms of B.C. Hydro's long-

1 term outlook it was fairly narrow, and the IPPBC notes
2 that the terms of reference that the Commission Panel
3 has, in particular 7(c), talk about information
4 material that go beyond what the utilities might bring
5 forward in terms of their long-term acquisition plans,
6 and the IPPBC also was mindful of that in terms of,
7 say, a 2009 load forecast update.

8 And for those in the room that don't have
9 the terms of reference before them, I can just briefly
10 comment on it. It says at 7(c):

11 "Evidence regarding the load serving
12 utilities' energy capacity requirements
13 under scenarios in the Commission opinion
14 are reasonable and reflect considerations,
15 detailed in paragraph 6, which may not be
16 adequately addressed within the load serving
17 utilities' most recently filed long-term
18 resource plans."

19 So in other words, the resource plans and the load
20 forecast are not driving this proceeding, and I'm only
21 mentioning that because of B.C. Hydro's concerns about
22 having technical workshops in the summer. The IPPBC
23 may have more comments about that in terms of the
24 scoping hearing. But the outcome of this process is
25 highly unlikely to be a transmission plan based on a
26 particular utility's long-term acquisition plan or

1 load forecast. Clearly in terms of what we just went
2 through in the LTAP, that was very narrow. It totally
3 omitted the whole concept of fuel switching, which is
4 also specifically referred to in 7(c)(i).

5 And what the IPPBC thinks is the probable
6 outcome of these proceedings, at least in part, is a
7 various number of options in terms of what the
8 transmission expansion in this province might look
9 like. In other words, if this is the demand and this
10 is what triggers the demand, this might be this
11 transmission outlook or option. If the demand is
12 something different again, and maybe it's not
13 triggered by fuel switching, maybe it's triggered by
14 expansion in the oil and gas industry in the northeast
15 sector of the province, then that might be a different
16 transmission option.

17 And I think as we think through what the
18 process should be for the Commission's review of that,
19 we have to be mindful of what the outcome of these
20 proceedings is going to be.

21 Subject to that, I have no further
22 comments. Subject to any questions, sorry, I don't
23 have any further comments.

24 THE CHAIRPERSON: We have no questions right now, but I
25 just made the note that I trust Mr. Godsoe will later
26 on respond to your concerns, when his turn comes later

1 on. Thank you.

2 MR. AUSTIN: Does he get two turn?

3 THE CHAIRPERSON: I believe in my opening statement I
4 noted that we will grant opportunity to comment later
5 on --

6 MR. FULTON: For those issues that arose after the
7 party had spoken.

8 THE CHAIRPERSON: Thank you, Mr. Fulton.

9 MR. FULTON: So we've got issues of costs and the
10 Commission Panel's attendance at workshop. We've got
11 an issue raised about imports. Those types of
12 matters.

13 MR. AUSTIN: Okay, thank you.

14 MR. FULTON: Splats'In First Nations. Mr. Lee? Okay,
15 Sto:lo Tribal Council, Ms. Heaslip? Neskonlith
16 Indian Band, Mr. Manuel? No.

17 And Madam Chair, after I called for
18 appearances this morning, I was approached at the
19 break by Ms. Lebourdais, who is here on behalf of the
20 Shuswap/Arrow Lakes Division of the Secwepemc Nation,
21 and she would like to make submissions, so I would ask
22 her to come forward now.

23 **SUBMISSIONS BY MR. LEBOURDAIS:**

24 MS. LEBOURDAIS: Good morning, Madam Chair and
25 Commission. I have to apologize first off. I thought
26 it was wear-your-jeans-to-work day today.

1 **Proceeding Time 11:31 a.m. T29**

2 So, on behalf of the Shuswap/Arrow Lakes
3 Division, which is a collective group of the
4 Neskonlith Indian Band, Adams Lake Indian Band and
5 Splots'ln First Nation, we first want to say that we
6 are here without prejudice to our title, aboriginal
7 title and rights. And this collective group has a
8 Lakes Division unity protocol, and I just want to read
9 a short quote from that protocol, which speaks to some
10 of the background on our feelings of this inquiry and
11 --

12 "Historically and traditionally and
13 customary Secwepemc activities have been
14 displaced by provincial and federal regimes.
15 Communities no longer have the ability to
16 ensure that activities on the territory are
17 managed in a sustainable way. The circle of
18 life which connects healthy communities to
19 healthy territories has been broken.
20 Secwepemc are no longer able to fulfill
21 important responsibilities to their land,
22 people and resources. It is critical to
23 close the circle of life again, to reconnect
24 the Secwepemc communities with the
25 territory. An important first step will be
26 definition of Secwepemc authority over

1 resources and within our territory."

2 Thank you.

3 And that has been our position since 1910,
4 when the Chiefs and (inaudible) of the Secwepemc
5 Nation presented their memorial to Sir Wilfrid
6 Laurier.

7 So one of the first submissions, and things
8 that we do have to say, of course, is something that
9 we hope this inquiry will be able to address, the huge
10 historic and past wrongs and infringements that have
11 come as a result of the transmission lines on our
12 traditional territories. We feel that these past
13 infringements do need to be addressed, and what we
14 would like to see is a separate table developed to
15 address these past infringements in addition to the
16 other workshops. And what we would hope would be a
17 table where the First Nations can come together with
18 the Utilities Commission, B.C. Transmission
19 Corporation, B.C. Hydro and of course the Ministry
20 representatives, so that we can look at not only past
21 infringements but also look at a way that we can come
22 together so that we can work towards co-management for
23 the future, so that we can again close that circle, so
24 that we can take care of and take over our roles as
25 caretakers of our traditional territories.

26 First off, we would have liked to had input

1 into the initial terms of reference. Again, these
2 were somewhat laid at our doorstep already created and
3 ordered by the Minister. And on that note, of course,
4 we do see ourselves not just as an intervenor like the
5 many other intervenors here today, but having
6 something of a separate and specific status.

7 THE CHAIRPERSON: If I may interrupt, we see you as a
8 participant.

9 MS. LABOURDAIS: A participant. Sorry. Okay. Not just
10 any other participant.

11 Also, while I did hear Mr. Harle speak
12 about the terms of reference in terms of how it does
13 guide your capabilities to address and look at this
14 inquiry, just referring to the terms of reference,
15 Section (d), "The general purpose of the inquiry is
16 for the Commission to make determinations with respect
17 to British Columbia's electricity transmission
18 infrastructure and capacity needs for a 30-year
19 period." I just would also reference to Section (g),
20 which also says that "The Commission may make use of
21 procedures to resolve specific issues within the terms
22 of reference." And there I would have to say that one
23 of the specific issues that we would like to see your
24 support of would be the past infringements, and also
25 taking a look at setting up this table so that we can
26 work towards co-management into the future, and with

1 hearings, and we also have a request that the areas
2 actually be defined by -- or it can be considered that
3 the areas are defined by First Nation areas, and what
4 this would do for us, so for example in their list,
5 they had southern interior east and southern interior
6 west, which was Kamloops and then into the Columbia
7 area. What this does is creates two sets of workshops
8 that we have to go and sit at, on these two different
9 areas, because both of them encompass our traditional
10 territories.

11 And we do also agree with the scheduling of
12 those to be from October to December, and this is
13 after a lot of our traditional hunting and fishing
14 activities have pretty much wound up for the winter,
15 so that we can have as much participation as possible
16 in those workshops.

17 Also, while we are talking about setting up
18 those tables for October and December, what we would
19 like to see is that we start to work straightaway on
20 the idea of developing this table for First Nations to
21 sit down with the Commission, with the government,
22 with B.C. Hydro. We don't want to wait until October
23 to actually start our First Nations input. I think
24 that these tables need to be developed straightaway,
25 and hopefully working together with yourselves and
26 working together with the other participants, that are

1 necessary, hopefully we would like to have this sort
2 of a table, or at least a preliminary idea on what
3 this process and what this table would look like,
4 probably developed around the same timelines as the
5 written submissions and the workshops in the June to
6 July area, so that we have time to start those
7 discussions in through the summer.

8 Unfortunately, I'm unable to speak to the
9 rest of the schedule due to just receiving the
10 schedule and the agenda for today rather late.
11 However, if there are other issues that we do have
12 regarding the scope and anything else, we certainly
13 look forward to submitting that to you in our written
14 submission, which we would hope to have ready,
15 provided our capacity funding. And we would also like
16 to take this opportunity to thank all of the other
17 participants for their support of addressing First
18 Nations consultation, accommodation and past
19 infringement issues, and we look forward to working
20 with the Commission to right a lot of the wrongs and
21 to creating a new relationship. Thank you.

22 Oh, any questions. Thank you.

23 THE CHAIRPERSON: Thank you, Ms. Lebourdais.

24 MR. FULTON: That concludes, then, the first round of the
25 submissions. So on my notes, what we have remaining
26 are submissions from those parties who spoke prior to

1 the issues of costs, imports, and the panel
2 involvement at the workshop, or the potential panel
3 involvement at the workshop. So I'm going to then
4 return to the top of the list and call upon BCTC, Mr.
5 Feldberg.

6 **SUBMISSIONS BY MR. FELDBERG:**

7 MR. FELDBERG: Thank you, Madam Chair.

8 Let me deal with the first issue, which is
9 the attendance of the Panel at the workshops, and
10 particularly the scoping workshop and the gaps
11 workshop. My initial reaction was that the gaps
12 workshop is particularly an appropriate place for the
13 Commission to attend, should it want to, because
14 issues could be resolved and determined by the
15 Commission at that time.

16 With respect to the scoping workshop, I
17 accept that the feeling in the room is that the
18 Commission, if it wants to, should be there. My only
19 observation is, it does change the nature of the
20 workshop a bit, and so be it, I suppose. That's
21 what's going to happen, it will change the nature of
22 it.

23 Just trying to check with -- let me just
24 check with --

25 On the costs issue, I really don't have
26 anything to submit at this time. So I don't have

1 anything to add to what was -- what's been said so
2 far.

3 On the imports and exports issue, I think
4 Mr. Godsoe had said that B.C. Hydro and BCTC would be
5 looking at the retention of an independent expert and
6 I think that's where I'll leave it for now, and the
7 rest of it can be dealt with, I think, throughout the
8 scoping process. Hadn't intended by that to have a
9 special status for it, but simply that there would be
10 an independent expert retained.

11 **Proceeding Time 11:41 a.m. T31**

12 TransCanada had raised, I think, the issue
13 of looking at imports as well. I think that's a
14 perfectly acceptable thing to look at at the scoping
15 conference and see what others have to say, but I
16 don't have an impression that there's anything
17 particularly difficulty to deal with there.

18 So I think on the issues that Mr. Fulton
19 raised, I think that's all I have to say.

20 THE CHAIRPERSON: Thank you, Mr. Godsoe -- sorry. Mr.
21 Feldberg. Oh, sorry, there was a question.

22 COMMISSION RAVELLI: I just have a question if you could
23 clarify what "so be it" means.

24 MR. FELDBERG: For the which?

25 COMMISSION RAVELLI: When you were talking about the
26 issue of the Commission sitting on this, and you said

1 "So be it," so that's --

2 MR. FELDBERG: I got the general sense, maybe wrongly,
3 but I think correctly that for the scoping conference,
4 the Commission would like to be there and we have said
5 that it is critical to get the scoping right, so I can
6 see why the Commission would like to be there, and I
7 also got the sense that many of the intervenors in the
8 room, or the participants in the room thought that
9 that would be an appropriate process. My only
10 observation is does change the nature of a workshop.
11 We generally do this off the record without the panel,
12 et cetera, but that's why I just "So be it." If it's
13 going to change, we'll deal with it.

14 COMMISSIONER RAVELLI: I guess I want to understand that
15 concern, because it may be a very valid concern from
16 our standpoint, that it may restrict some people in
17 the room from speaking freely or getting to -- being
18 an open process, and if it is, then one good comment
19 saying this is why it shouldn't be, may override. So
20 I just want to understand.

21 MR. FELDBERG: Okay, the logic behind workshops
22 generally being done with staff and off the record is
23 to enable parties to express their views freely in a
24 way that they might not be willing to express if they
25 thought that it was on the record, et cetera. People
26 may make more accommodations in those circumstances

1 than they may not otherwise.

2 This is, I recognize, a unique process and
3 my concerns obviously have not been reflected in the
4 comments of other participants. So I don't have a
5 strong feeling, and if the Commission thinks it should
6 be there, then it should. But I do recognize that
7 that does change the tenor of it, and that it can be,
8 in certain circumstances, a limiting factor on some
9 participants. That is the observation that I make.

10 Does that help?

11 COMMISSIONER RAVELLI: Thank you.

12 THE CHAIRPERSON: Thank you.

13 MR. FULTON: B.C. Hydro, Mr. Godsoe.

14 **SUBMISSIONS BY MR. GODSOE:**

15 MR. GODSOE: Commission Panel, with respect to issue 1, I
16 endorse and adopt the comments of Mr. Feldberg
17 completely and I have no further submissions on that.

18 On issue 2 and costs, I point out section 3
19 of the PACA guidelines clearly provide for interim
20 funding and would urge you to be flexible on that
21 count.

22 With respect to issue 3, I did want to
23 emphasize that this concept of export expert of course
24 would be subject to information request, would be
25 subject of cross-examination, would be treated as any
26 other form of evidence tendered in this process, that

1 it would not be special status. It's just a trial
2 balloon. The idea is to make it arm's length and we
3 will explore that further with our customer and other
4 participants.

5 And subject to any questions, those are my
6 -- sorry, I'm not going to respond to Mr. Austin's
7 comments on the LTAP because that is before you. So
8 I'll leave that where it is.

9 COMMISSIONER HARLIE: You mentioned exports, what about
10 the issue of imports?

11 MR. GODSOE: So I agree that that should go to the
12 procedural conference. Obviously your Special
13 Direction No. 10 binds you and that would have to be
14 taken into account, but other than that, I think it's
15 a perfectly legitimate issue.

16 THE CHAIRPERSON: Thank you, Mr. Godsoe.

17 MR. FULTON: Fortis B.C., Mr. McDonell.

18 SUBMISSIONS MR. McDONELL:

19 MR. McDONELL: Thank you, Madam Chair, Commissioners.
20 Fortis B.C. would support members of the Panel
21 attending a workshop as you think it may be helpful.
22 I think it's a good idea. We may speak candidly and
23 frankly in it, but I'm sure you can handle if we do,
24 and I'll encourage Mr. Feldberg not to be so shy at
25 these workshops.

26 Thank you.

1 THE CHAIRPERSON: Thank you.

2 MR. FULTON: First Nations Energy and Mining Council,
3 Mr. Dimitrov?

4 SUBMISSIONS BY MR. DIMITROV:

5 MR. DIMITROV: Just a few comments. I note that you want
6 to have the procedural conference on May 27th with a
7 deadline for submissions on Friday, May 15th. We are
8 near the end of the month in April and I think from a
9 First Nations' perspective, that's a pretty short time
10 to really -- for us to get together and to consult
11 with each other in a meaningful kind of way, to put
12 together a paper on scope. Scope is critical to this
13 entire inquiry, and if you get it wrong from the
14 start, you know, the whole thing is going to go off in
15 the wrong direction.

16 I would like to suggest to you that you
17 consider putting it off for a week, that you give a
18 deadline for written submissions to May 22nd and the
19 conference the week later. That gives First Nations
20 and others a bit more time to really think about and
21 consult with each other with respect to scope of this
22 inquiry. It's a critical, absolutely critical piece
23 of work that has to be done there and if we get it
24 wrong, we are really off in the wrong direction.

25 **Proceeding Time 11:46 a.m. T32**

26 The other matter I'd like to comment about

1 is costs, and I think that the comments by other
2 individuals here with respect to the PACA formats,
3 that there is provision for interim funding, there
4 will be a need for First Nations and the Energy and
5 Mining Council to access interim funding for work thus
6 far done, and for future work to be done. And also to
7 articulate with the B.C. Hydro consultation process.
8 So there's a mandate from that regard as well too.

9 Those are my comments. Thank you.

10 Oh, and the other matter is, I did hear
11 your comment with respect to the issue of
12 reconciliation. Any thoughts with regard to that.
13 And I want to share with you a few thoughts that I've
14 heard over the past few years. When one considers the
15 development of this province, whether it be the mining
16 sector, the energy sector or what have you, or the
17 forestry sector for that matter, for the most part the
18 allocation of resources, decisions respecting them,
19 and the management of those resources, has taken place
20 by the Crown with very little consultation and
21 accommodation. First Nations these days are looking
22 at concepts like shared decision-making, shared or co-
23 management, and shared revenue-sharing as concepts
24 that are part of the package of looking towards
25 reconciliation, in addition to addressing past
26 grievances or historic wrongs. So that's some of the

1 things that -- just to alert you as to what we're
2 interested in.

3 Thank you.

4 THE CHAIRPERSON: Thank you, Mr. Dimitrov.

5 MR. FULTON: David Suzuki Foundation, Mr. Heap? Nothing
6 further. Joint Industry Electricity Steering
7 Committee, Mr. Wallace?

8 MR. WALLACE: Nothing further.

9 MR. FULTON: Nothing further. Line Contractors'
10 Association of B.C., Mr. Shosnik? Nothing further.
11 And so then the final participant who has an
12 opportunity to comment on the imports issue is B.C.
13 Sustainable Energy Association? Nothing further.

14 That, then, concludes the submissions on
15 the various issues that were set forth in the exhibit
16 from the Commission last week, and the issues that
17 have been raised in the course of the proceedings this
18 morning, Madam Chair.

19 THE CHAIRPERSON: Thank you, Mr. Fulton.

20 This, then, concludes our proceeding today,
21 and as I indicated earlier, the Panel will issue its
22 second process order shortly.

23 On behalf of this Commission Panel, I would
24 like to thank you all for attending today, and making
25 your submissions. I think the way this morning went,
26 I think it looks like we are on the right track. We

1 both -- all understand what this is all about. Your
2 support is much appreciated.

3 Thank you very much.

4 **(PROCEEDINGS ADJOURNED AT 11:50 A.M.)**

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