



**IN THE MATTER OF**

**BRITISH COLUMBIA TRANSMISSION CORPORATION**

**AND**

**AMENDMENTS TO THE OPEN ACCESS TRANSMISSION TARIFF**

**DECISION**

**September 10, 2009**

**BEFORE:**

**A.A. Rhodes, Panel Chair/Commissioner**

**L.A. O'Hara, Commissioner**

**P.E. Vivian, Commissioner**



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### ORDER G-102-09

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## **1.0 BACKGROUND**

The British Columbia Transmission Corporation (“BCTC”) is a crown corporation which was formed in 2003 to operate, manage, plan and maintain the transmission system in British Columbia which is owned, and was previously operated by BCTC’s sister company, British Columbia Hydro and Power Authority (“BC Hydro”).

BCTC is also charged with responsibility to administer an Open Access Transmission Tariff (“OATT”).

BCTC’s OATT, like BC Hydro’s Wholesale Transmission Services Tariff before it, is modelled on the pro forma tariff developed by the U.S. Federal Energy Regulatory Commission (“FERC”) and published in FERC Order 888 dated April 24, 1996.

FERC’s pro forma OATT was designed to remedy a perceived problem in the U.S. of vertically-integrated utilities restricting the access to their transmission systems of other smaller generators with lower cost, resulting in underutilization of the transmission system and monopoly pricing of electricity. Order 888 required transmission providers to offer transmission service on a non-discriminatory basis by way of a standard form tariff.

In February of 2007, FERC issued Order 890. This Order was issued to strengthen the pro forma tariff in terms of addressing continuing opportunities for undue discrimination, providing greater specificity to facilitate FERC’s oversight and increasing the transparency of the rules for planning and use of the transmission system. (Exhibit B1-1, p. 14)

BCTC complies voluntarily with FERC guidelines but is regulated by the British Columbia Utilities Commission.

It is important for BCTC’s tariff to remain sufficiently comparable to FERC’s pro forma tariff to allow BC Hydro and its sister company, Powerex Corp., to trade in the U.S. at market-based rates.

## **2.0 THE APPLICATION**

On November 21, 2008 BCTC applied to the British Columbia Utilities Commission to amend its Open Access Transmission Tariff ("OATT"). The Application consists of four parts:

- (1) Amendments requested to maintain consistency with the U.S. Federal Energy Regulatory Commission's revised pro forma tariff;
- (2) Miscellaneous "housekeeping amendments" required to address minor issues which have arisen under BCTC's current OATT;
- (3) Amendments to the rate design for Short Term Point-to-Point transmission service;
- (4) Amendments to address issues which have arisen on the BC to Alberta ("BC>AB") path, including a Complaint filed by TransCanada Energy Ltd., one of BCTC's customers, on October 9, 2008.

BCTC also seeks to defer amendments to Schedule C of its OATT relating to the calculation of Available Transfer Capability pending further review of this issue in the U.S.

This Decision concerns the tariff update aspects of the Application only; the ruling on the TransCanada Complaint is published in a separate, companion Decision.

The Procedural Background to both the Application and Complaint can be found in Appendix A.

### **3.0 TARIFF CHANGES IN RESPONSE TO FERC ORDER 890**

#### **3.1 Available Transfer Capability - OATT Attachment C**

FERC Order 890 required public utilities to develop consistent standards and business practices relating to the calculation of Available Transfer Capability (“ATC”). These standards have not yet received final approval from FERC. BCTC proposes to defer amendments to Attachment C of its OATT dealing with the calculation of ATC, pending final FERC approval in the U.S. (Exhibit B1-1, pp. 19-20)

BC Hydro/Powerex support BCTC’s deferral proposal on the understanding that BCTC will consult with its customers and stakeholders prior to finalizing any resultant ATC calculation standards and relevant business practices. (BC Hydro/Powerex Argument, pp. 2-3) BCTC has confirmed that the requested consultation will take place. (BCTC Reply, p. 2)

**The Commission Panel approves BCTC’s proposal to defer amendments to Attachment C of its OATT and the development of relevant business practices, as outlined above, pending FERC approval in the U.S.**

#### **3.2 Transmission Planning – OATT Attachment K**

FERC concluded in Order 890 that an amendment to the pro forma OATT was required to ensure “coordinated, open, and transparent transmission planning on both a local and regional level.” (FERC Order 890, para. 435) It therefore required transmission providers in the U.S. to submit, as part of a compliance filing, a proposal for a coordinated and regional planning process which was consistent with the planning principles and other requirements set out in Order 890. Certain modifications to sections of the pro forma OATT were indicated. The planning process itself was to be included as a new Attachment K to the pro forma OATT. (FERC Order 890, para. 437, FN. 246)

BCTC therefore proposes a new Attachment K to its OATT to maintain comparability with the FERC pro forma tariff. BCTC's Attachment K describes a four phase biennial planning process for capital projects with a ten year planning horizon. BCTC also proposes amendments to sections 15.4, 16.1 (e), 17.2(j), 28.2, 29.2(i) and 31.6 of its OATT, which amendments are also consistent with the FERC Order 890 requirements. (Exhibit B1-1, pp. 20, 23)

BCTC proposes to deviate from FERC's proposed three step process for dispute resolution in Attachment K. BCTC is of the view that the legislative framework in British Columbia supports a more efficient process and that aggrieved stakeholders' issues can be addressed as part of the BCTC capital plan review process or the BCUC's complaint process. (Exhibit B1-1, p. 32)

BC Hydro/Powerex support the proposed Attachment K, but seek to amend the wording of section 3 of Attachment K to clarify that the planning horizon is no less than 10 years and that BCTC will accept and take longer term information into account in its planning process. (BC Hydro/Powerex Argument, p. 3)

BCTC takes the position that no modification to section 3 is required. BCTC states that the provisions under which BC Hydro already provides information to BCTC as a Network Customer allow it to provide forecasts with planning horizons greater than ten years and that these provisions remain in effect and are unchanged by the proposed amendments. BCTC further notes that s. 3.3(e) (ii) of Attachment K grants any Stakeholder the right to provide any information on potential requirements it believes should be considered in the planning process. BCTC further submits that the idea of a ten year planning horizon is not new and, in fact, reflects the current planning obligations found in Attachment J of the tariff. Finally, BCTC submits that Attachment K does not change the planning process with respect to BC Hydro. (BCTC Reply, pp.2-3)



### **Commission Determination**

The Commission Panel agrees with BCTC that the tariff, as amended and including Attachment K, does not require further modification to specifically acknowledge a planning horizon greater than ten years. The Commission Panel notes that the language of Attachment K s. 3.3 (e) (ii) is permissive and allows a Stakeholder to submit whatever information it wishes to have considered.

**Accordingly, the Commission Panel approves the proposed Attachment K and consequent amendments, as filed.**

### **3.3 Transmission Pricing**

#### 3.3.1 Energy and Generator Imbalance Service

BCTC proposes not to adopt the FERC Order 890 amendments relating to Energy and Generator Imbalance service, but to retain its current energy imbalance service rate design, with some minor modifications designed to simplify the current wording. BCTC is of the view that its current energy imbalance rate design complies with FERC Order 890 in principle, and that it strikes an appropriate balance between the interests of OATT customers and BC Hydro ratepayers. The BCUC approved the current energy imbalance rate design on that basis in its 2005 OATT Decision. BCTC also notes that no energy imbalance service was purchased in either F2007 or F2008. BCTC also states that its energy imbalance service is applicable to both generation and load such that there is no need to separately consider FERC Order 890's energy and generator imbalance service provisions.

(Exhibit B1-1, pp. 37, 40-42)

### **Commission Determination**

**The Commission Panel approves BCTC's proposal with respect to its energy imbalance service rate design.**

### 3.3.2 Credits for Network Customers

BCTC proposes to adopt the FERC Order 890 tariff amendments which require the transmission provider to give credits to Network Customers whose facilities are integrated into the transmission provider's facilities so as to provide benefits in terms of increased capability and reliability and which can be relied upon by the transmission provider for the operation of the grid. As BC Hydro is BCTC's only Network Customer and also owns the grid, these amendments are not applicable to any customer at this time. If a new Network Customer were to be added, BCTC proposes to develop the necessary implementation requirements and business practices in consultation with its customers. (Exhibit B1-1, p. 42)

### **Commission Determination**

**The Commission Panel approves BCTC's proposal to amend the OATT to maintain consistency with the FERC Order 890 amendments relating to the provision of credits for Network Customers.**

### 3.3.3 Capacity Reassignment

BCTC proposes to amend its OATT to accord with FERC Order 890 provisions relating to capacity reassignment. FERC Order 890 lifts the price cap on reassignment of transmission capacity for a trial period ending in October, 2010, at which time FERC will assess the impact of the measure. The removal of the price cap is intended to "foster the development of a more robust secondary market for transmission capacity", as point-to-point transmission service customers will have more incentive to make their service available to other customers who place a higher value on it. (FERC Order 890 B para. 77) BCTC proposes to review FERC's assessment and file any necessary changes to the tariff with the Commission. (Exhibit B1-1, p. 43)

### **Commission Determination**

**The Commission Panel generally approves the Capacity Reassignment provisions, as proposed in the Application.** The Commission Panel is of the view that the creation of a secondary market may serve to provide increased access to the transmission system, thereby promoting more efficient utilization of the grid. As noted by FERC, it may also assist parties in managing the financial risks associated with long term commitments. (FERC Order 890, para. 808) The Commission Panel notes, however, that the implementation plan described in FERC Order 890 includes a requirement for quarterly reporting. (FERC Order 890, para. 817) **As BCTC has indicated that it intends to monitor the progress of its program (Exhibit B1-7, BCUC 1.28.1) the Commission Panel directs BCTC to prepare a summary report on the volumes and pricing of any reassigned transmission capacities on its system. This report is to be included in BCTC's annual report to the Commission.**

#### 3.3.4 Unreserved Use Penalties

BCTC proposes to adopt the FERC Order 890 amendments relating to unreserved use penalties and to apply its current penalty charge of 125 percent of the maximum rate for Point-to-Point transmission service for its unauthorized use. FERC Order 890 allows the transmission provider some discretion in determining the penalty level, which is meant to be sufficient to create an incentive for customers to purchase the correct amount of transmission service. BCTC states that it has used the 125 percent figure since 2003 and has seen minimal unauthorized usage. (Exhibit B1-1, pp. 44-47)

### **Commission Determination**

**The Commission Panel approves BCTC's proposal in respect of Unreserved Use Penalties.**

### 3.3.5 Other Ancillary Services

BCTC proposes to adopt the FERC Order 890 amendments relating to ancillary services to allow ancillary services to be provided by resources other than generation resources (i.e. load management). The ancillary services in BCTC's OATT are: Reactive Supply and Voltage Control, Regulation and Frequency Response, Energy Imbalance, Spinning Reserves, and Supplemental Reserves. BCTC proposes to defer the implementation of any load management options until such time as it can coordinate them with BC Hydro. (Exhibit B1-1, p. 47)

### **Commission Determination**

**The Commission Panel approves BCTC's proposal in respect of Other Ancillary Services.**

### **3.4 Planning Redispatch**

BCTC states that FERC Order 890 requires transmission providers to provide a planning redispatch service. The purpose of planning redispatch is to improve access to and utilization of an occasionally congested grid by requiring the transmission provider to alter the dispatch order of its own resources to relieve capacity constraints. As BCTC does not own any generation or demand-side resources, it proposes not to adopt what it considers could be interpreted as "mandatory" planning redispatch service provisions. BCTC proposes instead to adopt, with minor modification, the FERC Order 890 provisions relating to the facilitation of voluntary planning redispatch service, with which it is capable of complying. (Exhibit B1-1 ,pp. 47-49)

BCTC is of the view that there are no significant differences between the planning redispatch studies suggested by FERC Order 890 and the historical redispatch analysis which BCTC conducted in conjunction with BC Hydro in response to a BCUC request. That analysis led to the conclusion (which was accepted by the BCUC) that "opportunities for short term redispatch were small and that BC Hydro was not able to identify any surplus generation that could be used for long term redispatch." (Exhibit B1-7, BCUC 1.33.2)

BCTC considers, however, that compliance with the FERC Order 890 provision requiring a transmission provider such as itself to “provide customers with information on the capabilities of other generators to provide planning redispatch” is consistent with the work on redispatch it has already undertaken and that, “as customers come to BCTC with new ideas, this Order 890 provision may result in new opportunities being identified.” (Exhibit B1-7, BCUC 1.33.3)

BCTC submits that its redispatch proposal should be approved in support of its past work and to maintain comparability with FERC Order 890. (BCTC Argument, p. 16)

### **Commission Determination**

**The Commission Panel approves BCTC’s proposal in respect of the Planning Redispatch amendments to its OATT.**

### **3.5 Conditional Firm Service**

BCTC proposes to replace its current “Shaped Service” with “Conditional Firm Service” (“CFS”), for the most part as set out in the FERC Order 890 amendments. BCTC proposes to deviate from the FERC pro forma tariff amendments in the area of curtailment conditions.

BCTC states that its

“proposed CFS is a form of partial [Long Term Firm Point-to-Point] service that is offered when there is insufficient firm ATC to meet a customer’s full request for LTF PTP service. CFS will be curtailed before firm services under pre-specified conditions. CFS serves as a bridge service until the completion of committed Network Upgrades, or as a substitute service for customers who can accept a lower curtailment priority level than that of firm services.”

(Exhibit B1-1, p. 50)

The CFS product contemplated by FERC Order 890 includes a number of features:

- (a) A Conditional Firm Service customer must choose between two curtailment condition options:
  - 1) the “System Condition Option,” wherein the transmission provider has the right to curtail based on specified system conditions that will occur or are anticipated to occur; or
  - 2) the “Number of Hours Option,” wherein the transmission provider has the right to curtail for a specific number of hours to resolve any reliability events that will or are anticipated to occur.
- (b) Biennial Reassessment is to be conducted to determine whether more stringent curtailment conditions are required. In the event that more stringent conditions are determined to be necessary, the customer will have the right to choose whether to accept the service with new conditions or terminate the service. Otherwise, both parties remain bound by the Service Agreement until the next reassessment or the termination date, whichever comes first.
- (c) Rollover rights are the same as those of Long Term Firm Point-to-Point customers.
- (d) CFS customers are to be offered Short-term Firm ATC as it becomes available and before it is offered to the market generally.
- (e) CFS customers are to pay the LTF PTP rate.
- (f) CFS qualifies as a firm service which supports the designation of Network Resources imported from other regions.
- (g) CFS has the same redirect and resale rights as LTF PTP service.

As noted above, BCTC proposes to adopt the FERC CFS product outlined above with the exception of the curtailment provisions.

BCTC suggests that it can offer a higher quality service that combines its existing shaped service with the new FERC CFS by replacing the FERC-proposed curtailment condition options with monthly path-specific curtailment priorities. BCTC proposes to offer a CFS with unconditional periods where that product would have the same priority as other firm services and conditional periods where CFS

would be curtailed before other firm services. The Service Agreement would specify the unconditional and conditional periods and the level of capacity subject to curtailment.

In a conditional period, when curtailment is required, non-firm service would be curtailed prior to curtailment of CFS and Secondary Service, which would then be curtailed on a pro-rata basis prior to any curtailment of firm service. As noted above, in unconditional periods, the product has the same priority as other firm services. (Exhibit B1-1, pp. 50-52)

TCE supports the concept of CFS, but with the restriction that it not degrade or devalue any LTF PTP transmission service which has been legitimately sold. Therefore, TransCanada does not support selling any CFS on the BC>AB path unless it is conditional on Alberta's ability to accept the power. (TransCanada Argument, OATT Amendment, p. 2)

NorthPoint proposes that all capacity awarded beyond 480 MW on the BC>AB path should be CFS, and any over 785 MW as akin to non-firm. It suggests that the conditions attaching to any CFS on the BC>AB Path can be written so as to contemplate the possibility of such service becoming truly firm when conditions in Alberta change. This suggestion was made, however, in support of the TransCanada Complaint and the proposed reduction in firm transmission capacity available for sale to 480 MW. (NorthPoint Argument, p. 11)

BC Hydro/Powerex support the proposed CFS, subject to BCTC updating its Business Practices through customer consultation. BC Hydro views this as appropriate due to Conditional Firm Service being a new product. (BC Hydro/Powerex, Argument, p. 4) Also because it is a new product, BC Hydro/Powerex indicate that they may wish to re-visit the program if impacts turn out to be adverse.

BCTC submits that, as the curtailment priorities for the proposed CFS and the network economy service follow those in FERC Order 890 and its pro forma tariff, there should be no need to revisit this issue in the future.

## Commission Determination

The Commission Panel notes that Table 3-2 of the Application shows BCTC expecting no firm ATC to be available for Conditional Firm Service on the BC>AB Path (or for US>AB services). (Exhibit B1-1, p. 57) This result answers TransCanada's concern and is accepted by the Commission Panel. **BCTC is therefore directed not to offer CFS on the BC>AB path unless it is offered in a conditional period where it would be curtailed prior to other firm services (conditional period-conditional firm), without further Commission approval. BCTC's proposed amendment to offer its form of Conditional Firm Service is otherwise approved.**

### 3.6 Other Non-Rate Terms and Conditions

#### 3.6.1 Rollover Rights

BCTC proposes to increase the minimum firm transmission contract term eligible for rollover rights from the existing one year term to the five year term proposed in FERC Order 890 "to ensure that the rights and obligations of the customer are better aligned with the planning and construction obligations of the transmission provider." (Exhibit B1-1, p. 62) BCTC also proposes to increase the notice period required relating to rollover rights from 60 days to one year. This change is also consistent with FERC Order 890. BCTC has also defined transition rules to implement the proposed changes. (Exhibit B1-1, pp. 61-64)

BCTC submits that no significant issues have been raised in respect of the proposed rollover provisions and that they should be approved to maintain comparability with the pro forma tariff. (BCTC Argument, p. 23)

## Commission Determination

**The Commission Panel approves BCTC's proposal in respect of rollover rights.**



### 3.6.2 Performance Metrics and Penalties

BCTC proposes to adopt the FERC Order 890 tariff amendments in respect of performance metrics and penalties, with three modifications. The modifications relate to: (1) the treatment of affiliates, (2) the study completion deadlines for BCTC's Network Integration Transmission Service ("NITS") customer, and (3) the distribution of penalties. (Exhibit B1-1, p. 64)

With respect to the treatment of "affiliates" versus "non-affiliates", BCTC accepts that under the FERC Order 890 definition of "affiliate", which it proposes to adopt, BC Hydro and Powerex are affiliates both of each other and of BCTC, as they have a common owner, i.e. the provincial government. (Exhibit B1-7, BCUC 1.48.2)

BCTC notes that the performance metrics and penalties in FERC Order 890 apply differently to the performance studies for affiliates as opposed to non-affiliates. BCTC states: "Order 890 requires that metrics should be tracked separately for affiliates and non-affiliates and penalties only be assessed against the transmission provider's performance vis-a-vis studies for non-affiliates." (Exhibit B1-1, p. 68) However, BCTC proposes to treat affiliate and non-affiliate requests on an equal basis given that it is in fact an independent transmission provider as opposed to the transmission arm of a vertically-integrated utility. BCTC therefore proposes not to incorporate the reference to "non-affiliates" into section 19.9 of its OATT, which relates to penalties for failure to meet study deadlines.

With respect to study completion deadlines for its Network Customer, BCTC notes that it has agreed to consider the impact of BC Hydro's "Contingency Resource Plans" as part of its study of NITS requests and that this represents an additional study requirement beyond those contemplated by FERC Order 890. BCTC therefore proposes to modify the tariff provisions to allow it to negotiate the study deadlines with its Network Customer, as necessary, on a case by case basis, and to post the negotiated deadlines, together with the justification for any deviation from the usual 60 day deadline, on its Open Access Same-Time Information System ("OASIS"). (Exhibit B1-1, pp. 68-69)

With respect to penalties due to late studies, BCTC proposes to allocate the penalty amounts on a quarterly basis as a credit to study costs. The penalties are proposed to be allocated to studies that were either: (a) completed late; or (2) in the study queue for over 60 days at the time the penalty was triggered. BCTC proposes not to recover penalty costs through rates. This latter proposal is consistent with FERC Order 890. (Exhibit B1-1, p. 69)

BCTC states that its proposal differs from FERC Order 890 in that BCTC proposes to allocate late study penalties only to those customers who have been affected by the late study instead of to all non-affiliated customers, as envisioned by FERC. BCTC's rationale for not adopting the FERC pro forma tariff provisions in this area appears to be that it makes no sense to compensate customers with no requests under study or in the queue.

BCTC argues that its proposal, although different from FERC Order 890, should be accepted because, in the BC context, it is consistent with, or superior to, the FERC pro forma tariff. BCTC submits that no issues were raised with respect to its proposed modifications, other than with respect to its proposed treatment of affiliates. As noted above, BCTC suggests that despite the fact that it is caught by the strict definition of "affiliate" in the pro forma tariff, it is, in fact, an independent transmission provider and a separate Crown corporation with its own Board of Directors which has operated independently of its sister companies since its inception. It therefore sees no reason to measure its performance in respect of affiliates and non-affiliates separately. BCTC submits that its proposal should be approved to maintain comparability with the FERC Order 890 pro forma tariff. (BCTC Argument, pp. 23-24)

### **Commission Determination**

The Commission Panel accepts that BCTC does, in fact, operate as an independent transmission provider. However, the Commission Panel is of the view that, as BCTC technically has customers who are affiliates and others who are not, principles of comparability with FERC Order 890 and transparency dictate that BCTC adopt the FERC Order 890 amendments without the proposed

modifications in respect of affiliates. The Commission Panel considers that the issue of a transmission provider's treatment of its affiliates is critical to FERC and must not be ignored.

**The Commission Panel therefore directs BCTC to track its performance metrics separately for affiliates and non-affiliates and to assess penalties for late studies only in respect of non-affiliates, to maintain comparability with FERC Order 890. The Commission Panel agrees with BCTC that it should only allocate late study penalties to those (non-affiliated) customers affected by the late study. The Commission Panel otherwise approves of the remainder of BCTC's proposal in respect of late study penalties. The Commission Panel also approves BCTC's modified proposal with respect to study deadlines for its Network Customer.**

### 3.6.3 Reservation Priority

BCTC proposes to amend its tariff to accord with the FERC Order 890 pro forma tariff in the areas of pre-confirmed requests for transmission service, the use of price as a tie-breaker to determine reservation priority, the use of a "simultaneous submission window" during which all requests for transmission service would be deemed to be received contemporaneously, and the administration of the right of first refusal for short-term service requests. All the amendments except the "simultaneous submission window" are consistent with FERC Order 890 and otherwise non-controversial. (Exhibit B1-1, pp. 70-78)

#### 3.6.3.1 Simultaneous Submission Window

BCTC proposes to replace the existing first-come, first-served method of allocating releases of transmission capacity with a window during which all transmission service requests would be considered to be simultaneous. FERC Order 890 permits transmission providers some discretion in terms of the use and implementation of such a window.

The Application specifically proposes a five minute simultaneous submission window, beginning immediately at the start of the no-earlier submission time for each of Monthly, Weekly, Daily and

Hourly (Pre-Schedule) short-term firm and non-firm PTP services. (Exhibit B1-1, p. 73) BCTC proposes to apply the simultaneous submission window to both firm and non-firm PTP transmission service “as a consistent approach to meet the principle of open and non-discriminatory access”, although it acknowledges that FERC “Order 890 does not require the application of a simultaneous submission window for non-firm service” per Order 890-A, para. 802 FN 303. (Exhibit B1-1, p. 74) The eventual allocation would be via a randomised draw from the group of submissions within the same window. (Exhibit B1-1, pp. 74-75)

BCTC expects the simultaneous window to improve on the first-come, first-served policy by helping to ensure that transmission service is not awarded in an arbitrary fashion and that less sophisticated customers with fewer financial resources have equal access to transmission service. Under the current system, one customer may receive service over another due to the fact that one request is received by the transmission provider seconds ahead of another request because one customer’s computer system is faster than another’s. BCTC states that it “agrees with Order 890 that there is no meaningful difference between such requests and that transmission capacity should not be awarded on that basis.” (Exhibit B1-1, p. 72)

BCTC summarizes the relevant requirements of FERC Order 890 at pages 72-73 of the Application. BCTC notes:

“...(c) Transmission providers are given the discretion to determine which transmission services will be subject to the simultaneous submission window.

(d) Requests submitted within a specified window should not be publicly available until the window has closed in order to prevent competitors from requesting the same service simply to disrupt the transmission service procurement process.

(f) Transmission providers should propose a method for allocating transmission capacity if sufficient capacity is not available to meet all requests submitted within the specified time period.”

(Exhibit B1-1, p. 73)

BC Hydro/Powerex oppose the simultaneous submission window for non-firm PTP transmission and urge the Commission not to approve the proposal as it relates to that product. (BC Hydro/Powerex Argument, p. 4) BC Hydro/Powerex take the position that “if the current first-come, first-served policy does result in a preference to those willing to make the investments necessary to capture more transmission capacity, then it is a mechanism that results in a more economically rational allocation of transmission capacity than the simultaneous submission window, and therefore is simply not unfair.” (BC Hydro/Powerex Argument, p. 5) BC Hydro/Powerex maintain that there should not be a penalty to those customers who have invested in the resources needed to ensure that they obtain the services they desire. BC Hydro/Powerex argue that the current system does not arbitrarily allocate capacity.

BCTC notes in reply that FERC Order 890 requires a transmission provider to implement a simultaneous submission window for firm service if it has a “no earlier than” reservation timeline. BCTC acknowledges that there is no equivalent requirement for non-firm service but notes that it has a “no earlier than” reservation timeline for non-firm service and argues that the reasoning of FERC Order 890 is equally applicable and that there is no rationale for distinguishing between the two products. (BCTC Reply, pp. 4-5)

FERC stated in Order 890: “...Transmission providers will have discretion to determine which transmission services will be subject to a submittal window policy. We believe the transmission provider is in the best position to determine whether it can accommodate a submittal window for a specific transmission service and the need for such a window.” (FERC Order 890, para. 1418) FERC further stated: “[i]n order to ensure that transmission service is not awarded in an arbitrary fashion and to ensure that transmission customers who are less sophisticated and have fewer financial resources have equal access to transmission service, we will require transmission provider [sic] who set a “no earlier than” time for request submittal to treat all transmission service requests received within a specified period of time as having been received simultaneously. We agree with those commenters that argue that a time window within which all requests would be deemed to have been submitted simultaneously is particularly appropriate in circumstances when a tariff or business practice calls for requests to be submitted no earlier than a specific deadline.” (FERC

Order 890, para. 1419). FERC also indicated that it would allow the transmission provider to propose the period of time for which the simultaneous submission window would be open, but noted that it expected the window to be open for “at least five minutes”, absent a compelling rationale to justify a shorter period. (FERC Order 890, para. 1420)

### **Commission Determination**

**The Commission Panel approves BCTC’s proposed amendments in respect of the five minute simultaneous submission window for both firm and non-firm PTP transmission service.** The Commission Panel notes and agrees with FERC that the transmission provider, in this case BCTC, is in the best position to determine whether it can accommodate a submittal window for a specific transmission service and the need for such a window.

The Commission Panel is also of the view that the simultaneous submission window is consistent with the objective of making the transmission system more accessible. BC Hydro’s argument appears to rely on what may be characterised as a “might-makes-right” view of transmission access, which is not consistent with the general direction of the pro forma tariff which is to liberalise access.

BCTC acknowledged that the change to a simultaneous submission window with pro rata allocation may increase the ability of customers with affiliates to engage in gaming by submitting requests for transmission service using different affiliate names. (Exhibit B1-1, p. 76) BCTC stated that, if it observed such conduct, it would address the matter in a business practice or tariff amendment, developed in consultation with customers, as a matter of course. (Exhibit B1-7, BCUC 1 .51.1)

**As the simultaneous submission window is a new concept, the Commission Panel directs BCTC to track submissions using the window, and to provide an assessment as to the extent of gaming activity, if any, as part of its annual report to the Commission. The amendments concerning pre-confirmed requests, price as a tiebreaker and the administration of the right of first refusal for short-term service requests are also approved, as filed.**

#### 3.6.4 Extensions for Commencement of Service

BCTC proposes to amend its tariff to require customers requesting an extension of service to pay the requisite fee within 15 days of their request, and to make any extension subject to the availability of the service. These amendments track FERC Order 890 and are proposed to be adopted to maintain comparability. No parties have taken issue with the proposed amendments. (Exhibit B1-1, pp. 78-79; BCTC Argument, p. 26)

#### **Commission Determination**

**The Commission Panel approves the amendments with respect to extensions for commencement of service, as filed.**

#### 3.6.5 Network Designation and Undesignation

The Application proposes that Sections 29.2 and 30.2 of the OATT be revised to accord with FERC Order 890 requirements relating to the qualification and documentation of Network Resources.

With respect to documentation, the new sections require Network Customers, when applying for Network service or designating a new Network Resource, to include an attestation that:

“(1) the Network Customer owns the resource, has committed to purchase the generation pursuant to an executed contract, or has committed to purchase generation where execution of a contract is contingent upon the availability of transmission service under Part III of the Tariff; and

(2) the Network Resources do not include any resources, or any portion thereof, that are committed for sale to non-designated third party load or otherwise cannot be called upon to meet the Network Customer’s Network Load on a non-interruptible basis;...”

In accordance with FERC 890, the Application proposes that a Network Customer include this attestation in the customer's comment section of the request when it confirms the request on BCTC's Open Access Same -Time Information System ("OASIS").

BC Hydro/Powerex do not oppose BCTC's proposed changes to the procedures for the designation of Network Resources under the OATT. However, they submit that BCTC should be solely responsible for ensuring compliance with FERC jurisprudence, as BCTC is already obliged to keep itself abreast of FERC decisions for its wholesale transmission service, which is meant to be comparable to the FERC pro forma tariff. BC Hydro/Powerex suggest that the Commission should direct BCTC to ensure that its business practices regarding Network Resource designations include a summary or codification of the attestation requirements established by FERC decisions in this area, as deemed appropriate for B.C. (BC Hydro/Powerex Argument, pp. 5-6)

BCTC confirms in reply that "it will be producing business practices in consultation with its customers which will make clear the attestation requirements required of its network customers" such that no direction from the Commission is necessary. (BCTC Reply, p. 5)

The Application proposes to defer the Network Resources un-designation elements of FERC 890 until FERC makes its decision on the allowable standards and business practices for the calculation of ATC. Such a deferral is consistent with that proposed for OATT Attachment C (ATC calculation methodology).

BC Hydro/Powerex support the proposed deferral regarding the un-designation of Network Resources provided that any new tariff provisions and related business practices are consistent with those of the Pacific Northwest utilities. They also wish to be consulted on the development of applicable business practices. (BC Hydro/Powerex Argument, p. 6)

BCTC confirms in reply that it intends to consult with its customers and stakeholders regarding the development of business practices concerning the un-designation of network resources. (BCTC Reply, p. 6)



### **Commission Determination**

**The Commission Panel approves the Network Designation section proposed in the Application. Approval is granted on two conditions: (1) that BCTC finalize a business practice in consultation with its customers which clarifies the attestation requirements pertaining to its network customers, and (2) that BCTC consult with its customers and other stakeholders regarding the development of business practices concerning the un-designation of network resources.**

**BCTC is to ensure that further FERC changes to the Network Designation requirements, described in FERC 890, paragraph 1432, are incorporated into the BCTC OATT. BCTC is also to ensure that suitable amendments to its Network Undesignation requirements are filed concurrently with the filing of an updated Attachment C for inclusion in its OATT.**

#### 3.6.6 Network Economy

BCTC proposes to adopt the FERC Order 890 amendments relating to secondary service, which is otherwise known as “Network Economy”. The amendments clarify that Network Economy service does not require the filing of a service agreement for Network Integration Transmission Service. BCTC is also required to specify any terms and conditions related to the use of NITS or secondary service to facilitate a wholesale sale that does not serve a Network Load. BCTC proposes to meet this requirement by including a reference to the relevant terms and conditions in the body of the tariff. (Exhibit B1-1, pp. 86-87)

BCTC submits that the amendments are non-controversial and should be approved to maintain comparability with FERC Order 890. (BCTC Argument, p. 27)

### **Commission Determination**

**The Commission Panel approves the amendments relating to the Network Economy as filed.**

### 3.6.7 Standardization of Business Practices

BCTC proposes to amend its OATT to maintain consistency with the FERC Order 890 requirements relating to the facilitation of a transparent process for the amendment of rules, practices and standards previously posted by a transmission provider. (Exhibit B1-1, p. 87)

BCTC submits that the amendments are non-controversial and should be approved to maintain comparability with FERC Order 890. (BCTC Argument, p. 28)

### **Commission Determination**

**The Commission Panel approves BCTC's proposed amendments relating to the standardization of Business Practices, as filed.**

### 3.6.8 Creditworthiness

BCTC proposes to amend its OATT to accord with the creditworthiness requirements of FERC Order 890 by way of a new Attachment L. BCTC also proposes to include its Credit Policy, which is currently posted on its website, in Attachment L.

FERC Order 890 requires that a transmission provider include its creditworthiness and security requirements in a new Attachment L to its OATT, in part "to enable customers to understand the information required to demonstrate creditworthiness and to determine for themselves the general amount and type of security they may need to provide in order to receive service." (Exhibit B1-1, p. 88; FERC Order 890, para. 1636)

BCTC submits that the proposed Attachment L should be approved to maintain comparability with FERC Order 890.

## Commission Determination

The Commission Panel acknowledges the intention of FERC to ensure that all transmission customers have clear information as to the credit process and standards used by a transmission provider to grant or deny transmission service in order to prevent undue discrimination and eliminate potential barriers to entry in the provision of service. By including the new Attachment L in the pro forma OATT, FERC also noted that customers will have an opportunity to comment on any changes to the standards proposed by a transmission provider in a rate filing. (FERC Order 890, para. 1656) FERC determined that:

“...each transmission provider’s Attachment L must specify the qualitative and quantitative criteria that the transmission provider uses to determine the level of secured and unsecured credit required. Attachment L must also contain the following elements:

- (1) a summary of the procedure for determining the level of secured and unsecured credit;
- (2) a list of the acceptable types of collateral/security;
- (3) a procedure for providing customers with reasonable notice of changes in credit levels and collateral requirements;
- (4) a procedure for providing customers, upon request, a written explanation for any change in credit levels or collateral requirements;
- (5) a reasonable opportunity to contest determinations of credit levels or collateral requirements; and
- (6) a reasonable opportunity to post additional collateral, including curing any non-creditworthy determination.” (FERC Order 890, para. 1657)

FERC also found that “transmission providers need flexibility in determining credit requirements in light of qualitative and quantitative factors...and stated that it believed that the requirements allow for such flexibility. (FERC Order 890, para. 1659)

**The Commission Panel is of the view that BCTC’s proposed Creditworthiness Provisions are consistent with FERC’s Attachment L and BCTC’s proposed amendment to include its form of Attachment L is approved as filed. However, given the flexibility inherent in Attachment L, the Commission Panel also expects BCTC to ensure the attention of senior management to areas involving the exercise of discretion.**

### 3.6.9 OATT Definitions

BCTC proposes to amend the Definitions section of its OATT (Section 1) to include new or amended definitions which accord with FERC Order 890 reforms.

#### **Commission Determination**

**The Commission Panel agrees with BCTC that the definitions proposed to be added/modified support the FERC Order 890 reforms or otherwise serve to clarify the provisions of the BCTC’s OATT. The definitions are therefore approved, as filed.**

## **4.0 HOUSEKEEPING AMENDMENTS**

BCTC also proposes to make a number of minor, miscellaneous amendments to its OATT which it describes as “housekeeping amendments”.

Material housekeeping amendments include:

- (1) Reorganization/reordering of OATT attachments ;
- (2) Clarification of language dealing with rollover rights to confirm that these rights may be limited in the initial Service Agreement;
- (3) Inclusion of a section in the OATT requiring export customers to produce an export permit or license issued by the National Energy Board (“NEB”);

- (4) Amendment of the OATT to require consolidation of disputes relating to the same transfer capability;
- (5) Clarification of priorities in respect of different types of service;
- (6) Removal of language requiring service agreements to be filed with the BCUC;
- (7) Inclusion of a deadline for the resolution of deficient applications for transmission service;
- (8) Clarification of when BCTC must tender service agreements to customers;
- (9) Removal of any requirement for BC Hydro to provide security for facilities built in response to its request, given its unique status as owner of the transmission system assets;
- (10) Amendment to the Standard Generator Interconnection Procedures and Transmission Service and Interconnection Service Procedures for Competitive Electricity Acquisition Processes to simplify and clarify interconnection procedures;
- (11) Amendment of the OATT to allow BCTC to serve as an Intermediary Balancing Authority Area to facilitate the dynamic scheduling of energy as between the U.S. and Alberta;
- (12) Amendment of the OATT to include provisions relating to deficient security;
- (13) Clarification of the Maximum Reserved Capacity Charge for PTP transmission service and deletion of the penalty provision relating to unauthorized use of LTF PTP transmission service.

(Exhibit B1-1, pp. 94-102)

BCTC submits that the above-noted amendments be approved as “they will make the application of certain OATT provisions more efficient, more consistent and less ambiguous, and will not cause any detrimental impact on customers.” (BCTC Argument, p. 30)

### **Commission Determination**

The housekeeping amendments are, for the most part, uncontroversial and appear to the Panel to provide appropriate clarification. **The Commission Panel notes and approves BCTC’s agreement to adopt the language agreed to by BC Hydro/Powerex for the housekeeping amendment relating**

**to the consolidation of disputes relating to the allocation of transfer capability. (BCTC Reply, p. 6)**  
**The Commission Panel approves all other housekeeping amendments, as filed.**

## **5.0 SHORT-TERM POINT-TO-POINT RATE DESIGN**

BCTC proposes to replace its existing, formula-based Short-Term Point-to-Point (“ST PTP”) Rate Design due to its poor performance and the resultant decline in Short-Term Point-to-Point revenues with a simple Time-of-Use (“TOU”) design. By way of background, BCTC committed to bring forward a replacement Short-Term Point-to-Point pricing method as part of its F2009/2010 Revenue Requirements Negotiated Settlement Agreement. The existing BCTC Short-Term Point-to-Point Rate Design forecasts time-specific rates using a formula, which has been proven to produce inaccurate results. (Exhibit B1-1, pp. 103-104)

BCTC takes the position that “[i]n order to charge more for transmission during high-value hours, BCTC has three choices. First, the most economically efficient choice would be to construct a competitive bid-based system. Unfortunately, the absence of a liquid market with many buyers and sellers makes this solution impractical. Second, it could attempt to develop a forecast of an efficient price that clears the transmission market. BCTC has experimented with this option extensively over the last decade and has found that its pricing index performs less effectively than the third option, which is a simple fixed TOU rate.” (Exhibit B1-7, BCUC 1.63.1)

BCTC examined twelve potential alternatives, grouped into three categories: adding a price floor to the existing design for all services; discounting, subject to a \$1/MWh floor to hourly non-firm services only and replacing the formula with fixed-rate designs. The designs were evaluated on their impact on BCTC revenues and trade blocking. (Exhibit B1-1, pp. 109-110) Trade blocking occurs where the transmission cost (i.e., the applicable ST PTP price) is equal to or greater than the differential between the power acquisition cost at a source and the selling price at a destination. BCTC expresses the view that “[a] reasonable alternative design is one that can restore ST PTP

revenue as a reasonable contribution to fixed costs, without causing a significant decline in energy trading or the value of that trading.” (Exhibit B1-1, p. 108)

As noted above, BCTC proposes to replace the existing rate design with a simple Time-Of-Use design. Time-Of-Use pricing is often considered to be economically efficient as it captures the variation in congestion, hence system value, at different time periods. The applicable rates would be \$3/MWh during Heavy Load Hours and \$1/MWh during Light Load Hours. Heavy Load Hours are 06:00-22:00, Monday through Saturday, with the exception of NERC holidays; Light Load Hours are any other times. (Exhibit B1-1, p. 104)

BCTC covers its annual revenue requirements through revenues from both Point-to-Point and NITS. Powerex is a Point-to-Point customer. BC Hydro is BCTC’s sole NITS customer. As such, BC Hydro pays an annual charge that is the residual between total Point-to-Point revenues and BCTC’s actual total costs. BC Hydro Network Integrated costs are recovered from B.C. ratepayers.

BCTC contends that its proposed Short-Term Rate Design with fixed time of use pricing is simple to understand, easy to implement and “strikes an appropriate balance between trade blocking and revenue effect.” (BCTC Reply, p. 20)

BC Hydro/Powerex oppose BCTC's Short-Term Point-to-Point Rate Design proposal. BC Hydro/Powerex argue that the proposal is misconceived and unsupported by any evidence that addresses the underlying reason for the proposal. They argue that a desirable Short-Term Point-to-Point Rate Design should maximise system utilisation while still ensuring sufficient revenues to at least cover all variable costs. (BC Hydro/Powerex Final Argument, p. 6)

BCTC argues in Reply that it is attempting to balance the objectives of providing use of the transmission system and cost recovery. It argues that “[t]he fact that the proposed design may marginally decrease utilization compared to the existing design is not a legitimate criticism when the existing design is acknowledged to be flawed for increasing the volumes of reservations without attracting sufficient revenues.” (BCTC Reply, p. 8)

## Commission Determination

**The Commission approves the Short Term Rate Design proposal, as filed.** The Commission Panel considers the proposed design to be superior to the existing design, which is admittedly seriously flawed and has resulted in reduced revenues to BCTC. However, the Commission is of the view that BCTC may be able to arrive at a better Short-Term Point-to-Point Rate Design through further refinement and additional consultation. The Application presents tables and graphs showing the anticipated outcomes for each of the twelve alternative designs in terms of revenue and trade blocking impacts. (Exhibit B1-1, Tables 5-3, 5-4, and Figure 5-1) The Commission notes in particular, the two graphs in Figure 5-1. The graphs suggest that there is a continuum of possible price combinations for the Heavy- and Light-Load Hour charges, which affect both revenues and trade blocking. The Commission Panel encourages BCTC to continue to work with its stakeholders to further refine its Short Term Rate Design with a view to optimizing the value of any PTP revenues which are likely to benefit ratepayers as well as system utilization.

## 6.0 FIRM AVAILABLE TRANSFER CAPABILITY LIMIT ON THE BC-ALBERTA INTERTIE

BCTC proposes that the total Long Term Firm Point-to-Point Available Transfer Capability to be offered for sale on the BC>AB path be limited to 785 MW, due to the unique circumstances in Alberta. The Commission Panel has determined that the Long-Term firm ATC for services on the BC>AB Path shall be set at 480 MW for the reasons set out in its related Decision on the TransCanada Energy Complaint.

Schedule C of the OATT is to be amended to read:

“Notwithstanding any other provision in this tariff, the Transmission Provider shall limit sales of Firm Point-to Point Transmission Service on the BC>AB path to 480 MW.”



BCTC is directed to sell any remaining capacity released as the result of the reduction of firm ATC from 785 MW to 480 MW on a conditional period – conditional firm or non firm basis. The Order G-110-08 provision relating to the temporary suspension of the Facilities Study for the release of additional firm transmission capacity on the BC>AB path shall remain in effect.

## **7.0 OTHER MATTERS**

### **7.1 Contingency Resource Plans & Release of Capacity Not Required by Network Integration Transmission Service – Existing OATT Attachment J - Proposed OATT Attachment P**

BCTC proposes to re-number this attachment as Attachment P, but does not otherwise seek approval for any amendments. The Commission Panel is of the view that certain provisions in the existing OATT Attachment J (CRP & Release of Capacity Not Required by Network Integration Transmission Service) should also be improved by way of amendment in a future amendment application.

The Commission Panel notes that a strict interpretation of the language of (current) Attachment J may be viewed as confining BCTC to certain prescribed courses of action, which, in some cases, may yield unintended consequences. One such consequence is the perceived requirement to advance all capital projects driven by Network Customer Contingency Resource Plans (“CRPs”), regardless of the status of the CRP. The Commission Panel is of the view that additional visibility would be helpful for potential capital projects driven by CRPs.

The Commission Panel therefore suggests that Section 2.2 of existing OATT Attachment J, which states:

- “2. The Transmission Provider will model reasonable forecast loads, current Network Resources and Contingency Resource Plans, and Firm Point-to-Point Transmission Service commitments, including rollover rights, where not previously limited covering the planning horizon (10 years) to determine whether there is sufficient ATC in the planning horizon to accommodate these existing and forecast commitments.”

could be amended to read:

- “2. The Transmission Provider will model reasonable forecast loads, current Network Resources and previously-approved Contingency Resource Plans, and Firm Point-to-Point Transmission Service commitments, including rollover rights, where not previously limited covering the planning horizon (10 years) to determine whether there is sufficient ATC in the planning horizon to accommodate these existing and forecast commitments. **Separate studies will be performed for each Contingency Resource Plan, with the results individually reported.**”

The Commission Panel further suggests that Section 2.3 of existing OATT Attachment J which states:

- “3. If the Transmission System is over-committed, the Transmission Provider will determine whether additional Network Upgrades are required and whether a revision of the current construction schedule for currently planned Network Upgrades is needed.”

could be amended to read:

- “3. If the Transmission System is over-committed, the Transmission Provider will determine whether additional Network Upgrades are required and whether a revision of the current construction schedule for currently planned Network Upgrades is needed. **Such revisions will be identified separately in the case of each Contingency Resource Plan.**”

Finally, the Commission Panel suggests that Section 2.4 of existing OATT Attachment J which states:

- “4. The Transmission Provider will determine the costs of any additional required Network Upgrades and provide the Network Customer with the revised estimated costs and construction schedule of the additional Network Upgrades and currently planned Network Upgrades.”

could be amended to read:

- “4. The Transmission Provider will determine the costs of any additional required Network Upgrades and provide the Network Customer with the revised estimated costs and construction schedule of the additional Network Upgrades and currently planned Network Upgrades. **The Transmission Provider shall not advance or include within its capital plans any revisions for any Network Upgrade associated with Contingency Resource Plans unless and until the Network Customer provides the Transmission Provider with evidence of specific Commission approval for the advancement or inclusion of the specific Network Upgrade.**”

The Commission Panel notes that the existing OATT Attachment J was designed to meet the following specific objectives:

- “to clarify BCTC’s duty to plan and build the transmission system to meet the Network Customers’ reasonable forecast network loads and forecast network resources (FNR’s);
- to clarify the circumstances under which it is appropriate to limit the roll-over rights of PTP service customers;
- to ensure that PTP customers do not have roll-over rights inordinately withheld and to clarify how those rights are to be accommodated;
- to clarify the queue reservation priority that attaches to load forecasts and FNR’s;
- to stipulate the conditions for release of unused capacity reserved for the Network Customer; and
- to address what studies are required for the planning process and how the costs of network upgrades will be recovered” (2005 OATT Decision, p. 18).

The Commission Panel is of the view that none of the suggested changes affect the stated objectives. However, the Commission Panel also considers that the suggested changes might serve to strike a better balance as between the Network Customer and other firm service customers going forward.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 10<sup>th</sup> day of September 2009.

*Original signed by:*

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ALISON A. RHODES  
PANEL CHAIR/COMMISSIONER

*Original signed by:*

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LIISA A. O'HARA  
COMMISSIONER

*Original signed by:*

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PETER E. VIVIAN  
COMMISSIONER



**BRITISH COLUMBIA  
UTILITIES COMMISSION**

**ORDER  
NUMBER G-102-09**

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IN THE MATTER OF  
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

An Application by the British Columbia Transmission Corporation  
to Amend the BCTC Open Access Transmission Tariff

and

A Complaint by TransCanada Energy Ltd.  
Re BCTC Firm Transmission Sales to Alberta

**BEFORE:** A.A. Rhodes, Panel Chair  
L.A. O'Hara, Commissioner  
P.E. Vivian, Commissioner

September 10, 2009

**O R D E R**

**WHEREAS:**

- A. On June 3, 2008, the British Columbia Transmission Corporation ("BCTC") applied to the British Columbia Utilities Commission ("BCUC", "the Commission") to suspend the release for sale of additional Firm Available Transfer Capacity ("Firm ATC") on the British Columbia to Alberta path (the "BC>AB Path") and to suspend the Facilities Study relating to requests for additional service on the BC>AB Path; and
- B. On July 3, 2008, the Commission issued Order G-110-08 (the "Suspension Order"), granting BCTC's June 3, 2008 application. In granting the Suspension Order, the Commission directed BCTC to address certain issues raised in that application in the context of BCTC's next Open Access Transmission Tariff ("OATT") Application or Rate Design review, and to provide a Tariff provision to address the issues; and
- C. The OATT includes the rates, terms, and conditions (including tariff supplements) of the non-discriminatory, open access transmission service offered by BCTC. OATT is modeled on a pro forma tariff established by Federal Energy Regulatory Commission ("FERC") Order No. 888 (the pro forma tariff), which was recently amended by FERC Order No. 890; and
- D. On July 14, 2008, BCTC held a consultation session concerning the implementation of FERC Order No. 890. The consultation included discussion of: the potential impact of incremental sales of firm transmission on existing firm transmission service on the BC>AB Path, the simultaneous submission window, and performance metrics and operational penalties; and
- E. On October 9, 2008, TransCanada Energy Ltd. ("TCE") filed a complaint (the "Complaint") with the Commission with respect to BCTC's decision to release additional Long-Term Firm Point to Point transmission capacity for sale on the BC>AB Path in December of 2007; and

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- F. By letter dated October 17, 2008, the Commission requested comment from BCTC on its views on a process to review the Complaint; and
- G. By letter of October 31, 2008, BCTC responded to the Commission, stating that BCTC anticipated filing its OATT amendment application by November 21, 2008, and that the application would address the issues raised by TCE; and
- H. On November 13, 2008, the Commission issued Letter L-53-08, advising TCE that the Commission would, after receipt of the OATT amendment application, issue a procedural letter or order to solicit submissions on the appropriate process or processes for reviewing the Complaint and the application, including the appropriate degree of separation between the reviews of each; and
- I. On November 21, 2008, BCTC filed its application to amend the OATT (the "OATT Amendment Application"), pursuant to subsections 58, 59, and 60 of the Utilities Commission Act ("UCA", the "Act"); and
- J. BCTC indicated that the OATT Amendment Application included its response to the Complaint; and
- K. As part of the OATT Amendment Application, BCTC sought an interim order, pursuant to section 89 of the Act, and section 15 of the Administrative Tribunals Act, requiring that specified new Service Agreements indicate that they are subject to a further Commission order on the OATT Amendment Application. The requirement would apply to transmission service rollover requests by British Columbia Hydro and Power Authority ("BC Hydro") on the BC>AB Path and any queued requests for Firm ATC coming available on the BC>AB Path on January 1, 2009; and
- L. Commission Order G-175-08, dated November 27, 2008, required BCTC to indicate on two specified BC Hydro rollovers, and any contracts for Firm Available Transfer Capacity coming available on the BC>AB Path on January 1, 2009, that:

"This Service Agreement is subject to a further order of British Columbia Utilities Commission in the matter of the British Columbia Transmission Corporation Application to Amend the Open Access Transmission Tariff"; and
- M. By Order G-195-08, the Commission established a Procedural Conference for January 8, 2009 to address procedural matters; and
- N. At the Procedural Conference, the Commission Panel heard submissions on the scope of the regulatory review, the review format for the principal issues, and whether the OATT Amendment Application and the Complaint could be properly dealt with in a combined proceeding or if separate proceedings were required; and
- O. Following the Procedural Conference, the Commission issued Order G-3-09 whereby it ordered that BCTC's OATT Amendment Application, other than the parts of Part 6 thereof dealing with TCE's Complaint, would be reviewed through a Written Hearing Process, to be termed the "OATT Amendment Hearing"; the Complaint and those parts of Part 6 of the OATT Amendment Application in response, would be reviewed through an Oral Hearing Process termed the "TCE Complaint Hearing"; there would be a common evidentiary record for both the OATT Amendment Application and the Complaint; and established a Regulatory Timetable; and
- P. The TCE Complaint Hearing Proceeded for two days commencing April 29, 2009; and
- Q. The Commission Panel has now considered the evidence and the written submissions of BCTC and TCE and Registered Intervenor for both the OATT Amendment Application and the Complaint.

**BRITISH COLUMBIA  
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**NOW THEREFORE** the Commission approves the OATT Amendment Application, except as indicated in its Decision issued issued concurrently with this Order.

**DATED** at the City of Vancouver, in the Province of British Columbia, this    10<sup>th</sup>        day of September 2009.

BY ORDER

*Original signed by:*

Alison A. Rhodes  
Panel Chair/Commissioner

British Columbia Transmission Corporation  
An Application to Amend the BCTC Open Access Transmission Tariff

and

A Complaint by TransCanada Energy Ltd.  
Re Service Agreement between TCE and BCTC  
for Long Term Firm Point-to-Point Transmission Service

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**Procedural Background and Context**

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The British Columbia Transmission Corporation (“BCTC”) is charged with operating, managing, planning, and maintaining the transmission system in British Columbia which is owned by British Columbia Hydro and Power Authority (“BC Hydro”).

BCTC offers wholesale transmission service to its customers, including BC Hydro and its sister company, Powerex Corporation, by means of a standard form Open Access Transmission Tariff (“OATT”), which is modelled after the Federal Energy Regulatory Commission’s pro forma tariff in the U.S.

On February 16, 2007 the Federal Energy Regulatory Commission (“FERC”) issued Order 890 amending the pro forma tariff.

In late 2007, BCTC made the decision to increase the amount of long term firm capacity it had available for sale on the British Columbia to Alberta transmission path (“BC>AB path”) by 305 MW. This decision was fully implemented by January, 2008. The increase in transmission capacity sold to new customers resulted in other existing customers having their service curtailed, due to constraints originating in Alberta.

One of these customers was TransCanada Energy Ltd (“TCE” or “TransCanada”). TransCanada objected to the sale of the increased capacity.

On June 3, 2008, BCTC applied to the British Columbia Utilities Commission (“BCUC” or “Commission”) for an Order allowing it to suspend the release of any further capacity on the BC>AB path and to suspend a Facilities Study relating to requests for additional capacity on the path, pending further discussion with its existing and potential customers on whether BCTC should further increase the transmission capacity for sale on the path. BCTC proposed to address this issue in the context of its next tariff update application, in the fall of 2008.



BCUC issued Order G-110-08 dated July 3, 2008 approving the temporary suspension of the sale of additional capacity on the BC>AB path as well as the Facilities Study related to that capacity. BCUC also directed BCTC to submit a report on stakeholder submissions concerning the sale of additional capacity on the BC>AB path and a new product, Conditional Firm Service, including BCTC's commentary in response, from its OATT consultation session which was scheduled for July 14, 2008, by August 8, 2008.

On August 8, 2008, BCTC submitted its Report on Firm Sales to Alberta and Conditional Firm Service.

TransCanada filed a formal Complaint ("Complaint") with the BCUC on October 9, 2008 requesting the Commission to prioritize its firm transmission capacity on the BC>AB path, retroactive to December 01, 2007, pending upgrades to the system in Alberta to accommodate all users.

By letter dated October 31, 2008 BCTC advised that it intended to file its next OATT update application by November 21, 2008 and submitted that, as that application would address issues on the BC>AB path, the application should be considered its response to the TCE Complaint and that the two matters should be heard at the same time. BCTC also requested a joint procedural conference, following the filing of its application.

By letter dated November 06, 2008 TransCanada argued that its Complaint should be heard separately as the Complaint sought retroactive relief which, in its view, would not be fully addressed as part of BCTC's forward-looking tariff update application.

By letter L-53-08 dated November 13, 2008, the Commission advised that it would defer its decision on the appropriate process to be used for determining the TransCanada Complaint until it had received BCTC's tariff update application.

BCTC filed its tariff update application, the OATT Amendment Application ("the Application"), on November 21, 2008. BCTC advised that Part 6 of the Application addressed issues relating to the sale of firm transmission capacity on the BC>AB path and represented its response to the Complaint.

As part of the Application, BCTC also sought a further interim Order allowing it to indicate on any new Service Agreements arising from the rollover/expiry of certain BC Hydro Service Agreements on the BC>AB path on December 31, 2008 that:

“This Service Agreement is subject to a further order of the British Columbia Utilities Commission in the matter of the ‘British Columbia Transmission Corporation Application to Amend the Open Access Transmission Tariff’ filed on 21 November 2008.”

by December 11, 2008, to allow it sufficient time to process the Service Agreement prior to January 01, 2009. BCTC’s stated rationale was:

“[t]he interim order sought will permit BCTC to proceed in the ordinary course with processing the 50 MW and 120 MW rollover requests, allow the Commission to consider the above issues in the context of the Application and require BCTC to highlight on the rolled-over Service Agreements and any new Service Agreements on the BC>AB Path that the Commission may make further orders with respect to the Service Agreements as part of its final disposition of this Application. BCTC...believes that the order requested will assist in making the potential for that outcome as transparent as possible.”

By Order G-175-08 dated November 27, 2008, the Commission approved BCTC’s request to include the condition relating to a possible further order of the Commission following its consideration of the Application on new Service Agreements for the BC>AB path commencing January, 01, 2009.

By letter dated November 28, 2008, TransCanada re-iterated its position that its Complaint should be heard separately, and objected to the proposed sale of any capacity arising from the expiration of a BC Hydro Service Agreement with no rollover rights on December 31, 2008. TransCanada argued that such sale would perpetuate the very situation on the BC>AB path about which it complained. TransCanada asked that the Commission deny BCTC’s request for the interim order relating to the sale of the BC Hydro capacity and that any further sales or rollovers of Service Agreements initially executed after December 01, 2007 be suspended pending a resolution of the issues raised in its Complaint.

On December 17, 2008, by Order G-195-08, the Commission established a preliminary Regulatory Timetable, which included a Procedural Conference scheduled for January 8, 2009 to consider issues including: the identification of issues arising from or related to the OATT Amendment Application, the appropriate process for the Commission’s review of the TransCanada Complaint, the timetable for Information Requests and Responses and Intervenor evidence and any additional process steps and associated dates.

The Procedural Conference took place, as scheduled, on Thursday, January 8, 2009. Following its consideration of the submissions of the participants, the Commission Panel, by Order G-3-09 dated January 15, 2009, directed that: the BCTC OATT Amendment Application, other than any portions of Part 6 dealing with the TransCanada Complaint, would be dealt with by way of a Written Hearing Process wherein BCTC would be the “applicant”, with the corresponding right of reply; the TransCanada Complaint and relevant portions of Part 6 of the OATT Amendment Application would be dealt with by way of an Oral Hearing Process, wherein TransCanada would be the “applicant”, with the corresponding right of reply; and the two matters would share a common evidentiary record. The Commission Panel also set a Regulatory Timetable for the two matters going forward. The Oral Hearing was scheduled to commence on April 29, 2009.

On April 6, 2009, by Commission Letter L-24-09 the Commission solicited comments from the parties on the potential attendance of the Alberta Electric System Operator (“AESO”) at the Oral Hearing to act as amicus to provide limited evidence on matters surrounding documents in the evidentiary record with which it had the most familiarity as well as planning and operations coordination as between AESO and BCTC.

TransCanada welcomed the participation of AESO and suggested that its witness panel appear first to set the context for the oral hearing of the Complaint.

TransAlta Corporation, a Registered Intervenor in the BCTC OATT Amendment Application, objected to the attendance of AESO on the basis that its attendance was unnecessary as irrelevant to the issues and also unusual. TransAlta expressed concern that the lateness of the proposal to invite AESO to attend the Oral Hearing combined with the fact that AESO was not expected to file evidence in advance would make the process unfair.

BCTC also expressed concern and asked that, if AESO were to testify, its written evidence be provided to the parties as soon as possible and that considerable latitude be granted on cross examination of its witness panel.

BC Hydro/Powerex and NorthPoint Energy Solutions Inc. did not object to the attendance of AESO to testify on the matters as outlined in Commission Letter L-24-09.

By letter dated April 23, 2009 (Exhibit A-24), the Commission Panel confirmed the attendance of AESO in the role of amicus at the Oral Hearing for the purpose of providing context for both the TCE Complaint and OATT Amendment Application. The Commission Panel expressed the view that AESO was particularly well-suited to provide this evidence given its neutral status and first hand knowledge of the issues. In order to attempt to address the concerns expressed by TransAlta and BCTC and to assist the parties in their preparation for any cross-examination of AESO's witness panel, the Commission prepared Information Requests to AESO which were provided to the parties.

AESO provided responses to the Commission Panel's Information Requests under cover of a letter dated April 24, 2009.

The Oral Hearing proceeded for two days commencing April 29th, 2009. TransCanada's witness panel appeared first, followed by the AESO panel. Witness panels from NorthPoint, TransAlta and BCTC appeared, in that order, on the second day of the Oral Hearing. Subject to the filing of responses to outstanding undertakings, the evidentiary portion of the proceedings was declared closed at 4:59 p.m. on Thursday, April 30, 2009.

Written arguments were filed in general accordance with the Regulatory Timetable, concluding with BCTC's reply submission on its OATT Amendment Application on June 25, 2009.

**LIST OF APPEARANCES**

G. FULTON, Q.C.	Commission Counsel
P. FELDBERG C. BYSTROM	British Columbia Transmission Corporation
I. WEBB	British Columbia Hydro and Power Corporation and Powerex Corporation
D. WOOD C. BEST F. KARABETSOS	TransCanada Energy Limited
W. MILMAN	NorthPoint Energy Solutions Inc.
J. LANDRY	TransAlta Energy Marketing Corporation
J. QUAIL	B.C. Branch, B.C. Old Age Pensioners' Organization, Council Of Senior Citizens' Organizations, Federated Anti-Poverty Groups of B.C., West End Seniors' Network (collectively "BCOAPO")
R.B. WALLACE	Joint Industry Electricity Steering Committee (JIESC)
<hr/>	
T. ROBERTS J. FRASER	Commission Staff
E. SWITLISHOFF G. ISHERWOOD	Contract Staff
ALLWEST REPORTING LTD.	Court Reporters

IN THE MATTER OF  
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

British Columbia Transmission Corporation  
An Application to Amend the BCTC Open Access Transmission Tariff

and

A Complaint by TransCanada Energy Ltd.  
Regarding the Service Agreement between TCE and BCTC  
for Long Term Firm Point-to-Point Transmission Service

**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
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*COMMISSION DOCUMENTS*

A-1	Letter dated December 5, 2008 appointing the Commission Panel for the review of the BCTC Application to Amend the Open Access Transmission Tariff
A-2	Letter dated December 16, 2008 with Commission Order G-195-08 establishing a Procedural Conference and Regulatory Timetable
A-2-1	<b>Submitted at Hearing</b> dated April 29, 2009 Staff Witness Aid Spreadsheet
A-2-2	<b>Submitted at Hearing</b> dated April 30, 2009 System Operating Limit Policy 1.0
A-3	Letter dated December 16, 2008 to TransCanada Energy Ltd. with Commission Order G-195-08 establishing a Procedural Conference and Regulatory Timetable
A-4	Letter dated January 15, 2009 issuing Commission Order G-3-09 establishing a Regulatory Timetable
A-5	Commission letter dated October 17, 2008 to BCTC requesting Comments on the TransCanada Energy Ltd. October 9, 2008 Complaint
A-6	Commission Letter L-53-08 dated November 13, 2008 to TCE summarizing possible process and participants

Exhibit No.	Description
A-7	Commission Letter dated December 1, 2008 to BCTC and TCE issuing Order G-175-08 regarding processing of rollover requests on BCH Service Agreements dated November 27, 2008
A-8	Letter dated January 22, 2009 issuing the Reasons for Decision as Appendix B to Order G-3-09
A-9	Letter Dated February 6, 2009 and Commission Information Request No. 1
A-10	Letter Dated February 9, 2009, Approval of Application by BCOAPO to add co-counsel, Leigh Worth
A-11	Letter dated February 11, 2009 and Commission Information Request No. 1 to TransCanada Energy
A-12	Letter dated March 2, 2009 requesting comments from the Applicant and Intervenor regarding TransCanada Energy's request to amend the hearing date in the Regulatory Timetable
A-13	Letter dated March 16, 2009 and Order G-26-09 amending the Regulatory Timetable for the Oral Hearing
A-14	Letter dated March 24, 2009 requesting BCTC to file the (U.S.) Federal Energy Regulatory Commission ("FERC") Order 890-C
A-15	Letter dated March 27, 2009 and Commission Information Request on Intervenor Evidence No. 1 to TransAlta
A-16	Letter dated March 27, 2009 and Commission Information Request on Intervenor Evidence No. 1 to NorthPoint
A-17	Letter dated March 27, 2009 and Commission Information Request on Intervenor Evidence No. 1 to TransCanada Energy
A-18	Letter No. L-22-09 dated March 30, 2009 request submissions regarding Pre-Hearing Conference
A-19	Letter dated April 06, 2009 Further to Order G-195-08 Regulatory Timetable - IR No. 2
A-20	Letter L-24-09 dated April 6, 2009 re: Alberta Electric System Operator ("AESO") participation
A-21	Letter dated April 6, 2009 issuing Information Request No. 2 to NorthPoint

<b>Exhibit No.</b>	<b>Description</b>
A-22	Letter dated April 8, 2009 cancelling 2nd Procedural Conference and requesting submissions from BCTC, TCE, and Registered Intervenors re process details
A-23	Letter dated April 23, 2009 and Commission Panel Information Request to the Alberta Electric System Operator
A-24	Letter dated April 23, 2009 providing Reasons on the attendance and timing of the Alberta Electric System Operator at the Oral Hearing, order of all witness panels and written argument
A-25	Letter dated April 23, 2009 providing Participants with Procedural Information for the Oral Public Hearing

*BRITISH COLUMBIA TRANSMISSION CORPORATION DOCUMENTS*

B1-1	Letter dated November 21, 2008 filing Application to Amend the Open Access Transmission Tariff
B1-2	Letter dated December 15, 2008 issuing Errata to the Application to Amend the Open Access Transmission Tariff
B1-3	Letter dated November 25, 2008 filing Corrections to Application
B1-4	BCTC Response dated October 31, 2008 to Commission letter dated October 17, 2008 (Exhibit A-4) requesting comments on TCE Complaint (Exhibit B2-1)
B1-5	Email dated January 9, 2009 confirming filing by BCTC of FERC Orders 890 (Exhibit B1-5-1), 890-A (Exhibit B1-5-2) and 890-B (Exhibit B1-5-3)
B1-5-1	BCTC filed on January 8, 2009 FERC Order 890
B1-5-2	BCTC filed on January 8, 2009 FERC Order 890-A
B1-5-3	BCTC filed on January 8, 2009 FERC Order 890-B
B1-6	Letter dated February 19, 2009 BCTC IR No 1 to TCE
B1-7	Letter dated February 27, 2009 BCTC responses to BCUC IR-1, BC Hydro IR-1, BCOAPO IR-1, TransAlta IR-1, and TransCanada Energy IR-1, with the exception of TransCanada Energy IR 1.6.3. TransCanada Energy IR 1.6.3
B1-7-1	Letter dated March 19, 2009 BCTC Errata filing to Exhibit B1-7



Exhibit No.	Description
B1-8	Letter dated March 05, 2009 via Email BCTC response to IR No. 1
B1-9	Letter dated March 05, 2009 BCTC Response to L-15-09
B1-10	Letter dated March 05, 2009 BCTC Updated Schedule 09
B1-11	Letter dated March 13, 2009 BCTC Supplemental Evidence TCE-Complaint
B1-12	Letter dated March 23, 2009 BCTC enclosed for filing FERC Order 890-C
B1-13	Letter dated April 03, 2009 BCTC response to L-22-09, whether a second procedural conference is required.
B1-14	Letter dated April 06, 2009 BCTC's Information Request No. 1 to Trans Alta Energy
B1-15	Letter dated April 06, 2009 BCTC's Information Request No. 1 to NorthPoint
B1-16	Letter dated April 14, 2009 BCTC writes in response to BCUC Letter L-24-09 and Letter L-26-09, issued April 8, 2009
B1-17	Letter dated April 15, 2009 BCTC writes in response to BCUC IR No. 2, NorthPoint IR No.2 and TransCanada Energy IR No. 2
B1-17-1	Letter dated April 27, 2009 BCTC filing Errata to Exhibit B1-17, April15, 2009 responses to IR-2
B1-18	Letter dated April 22, 2009 BCTC Rebuttal Evidence in the OATT Hearing component
B1-19	Letter dated April 27, 2009 BCTC filing of direct evidence of the BCTC panel
B1-20	<b>Submitted at Hearing</b> dated April 29, 2009 Table on TCE Transmission capacity 2007 2008 2009 (Jan)
B1-21	<b>Submitted at Hearing</b> dated April 29, 2009 FERC PDF (Unofficial) 12/19/2008
B1-22	<b>Submitted at Hearing</b> dated April 29, 2009 Bulletin Index 2004 Amended Business Practices
B1-23	<b>Submitted at Hearing</b> dated April 29, 2009 Methodology for Assessing Available Transmission Capability
B1-24	<b>Submitted at Hearing</b> April 30, 2009 Table Data
B1-25	<b>Submitted at Hearing</b> April 30, 2009 BCTC Opening Statement

<b>Exhibit No.</b>	<b>Description</b>
B1-26	Letter dated May 08, 2009 BCTC responses to undertakings received during the Oral Public Hearing in the TCE Complaint Hearing
B1-27	Letter dated May 13, 2009 BCTC response to Mr. Wood's letter

*TRANSCANADA ENERGY LTD. DOCUMENTS*

B2-1	<b>TRANSCANADA ENERGY LTD. (TCE)</b> - TCE Complaint dated October 9, 2008
B2-2	TCE November 6, 2008 Response to BCTC October 31, 2008 response to Commission request for Comments dated October 17, 2008
B2-3	TCE letter dated November 28, 2008 commenting on BCTC's filing of its OATT Amendment Application (includes response to TCE Complaint) and requests BCTC's application for interim order be denied
B2-4	TCE Letter dated February 19, 2009 Request to Amend Proceeding Schedule
B2-5	Letter dated February 13, 2009 TCE IR No.1
B2-6	Letter dated March 05, 2009 TCE Responses to BCUC IR No.1
B2-7	Letter dated March 05, 2009 TCE Responses to BCTC IR No.1
B2-8	Letter dated March 05, 2009 TCE Responses to TransAlta IR No.1
B2-9	Letter dated March 06, 2009 TCE Responses to BCUC IR No.1
B2-10	Letter dated March 06, 2009 TCE Responses to BCTC IR No.1
B2-11	Letter dated March 13, 2009 Direct Testimony Craig-Roach
B2-12	Letter dated March 27, 2009 TCE's Information Requests on Intervenor Evidence directed to TransAlta Energy Marketing Corp.
B2-13	Letter dated April 3, 2009 issuing TCE's comments regarding second procedural conference.
B2-14	Letter dated April 06, 2009 TCE's IR's to BCTC on its evidence in Part 6 and its Supplementary Evidence submitted on March 13, 2009
B2-15	Letter dated April 09, 2009 TCE response to BCUC L-24-09 Exhibit A-20
B2-16	Letter dated April 15, 2009 TCE response to BCUC IR No. 1 Exhibit A-27

<b>Exhibit No.</b>	<b>Description</b>
B2-17	Letter dated April 22, 2009 testimony of Dr. Craig R. Roach submitted as rebuttal evidence on behalf of TCE for its Complaint
B2-18	Letter dated April 27, 2009 via email TCE opening statement on witness evidence
B2-19	Letter dated May 12, 2009 via email Oral hearing excerpt of witness undertaking
B2-20	Letter dated May 15, 2009 TCE's Undertakings U-1, U-2, U-3 and U-4

***INTERVENOR DOCUMENTS***

C1-1	<b>BRITISH COLUMBIA HYDRO AND POWER AUTHORITY</b> – Filing dated December 18, 2008 request for Registered Intervenor Status
C1-2	Web filing dated January 28, 2009 by Mr. Jeff Christian, Lawson Lundell LLP as counsel for BC Hydro
C1-3	Letter dated February 18, 2009 BC Hydro response to IR No.1 to BCTC
C1-4	Letter dated March 05, 2009 BC Hydro response to L-15-09
C1-5	Letter dated April 02, 2009 BC Hydro Response to BCUC letter L-22-09 (Exhibit A-18) re: Second Procedural Conference
C1-6	Letter dated April 14, 2009 BC Hydro Response to BCUC letter L-24-09 and L-26-09 re: procedural matters
C1-7	Letter dated May 29, 2009 submissions of BC Hydro and Powerex Corp re TCE complaint
C2-1	<b>TRANSCANADA ENERGY LTD. (TCE)</b> – Filing dated December 19, 2008 request for Registered Intervenor Status
C3-1	<b>NORTHPOINT ENERGY SOLUTIONS INC.</b> – Filing dated December 22, 2008 request for Registered Intervenor Status
C3-2	SaskPower/NorthPoint Energy Solutions letter dated October 24, 2008 requesting intervenor status and commenting on the TCE Complaint
C3-3	Letter dated March 13, 2009 received via email - NorthPoint statement of evidence
C3-4	Letter dated March 31, 2009 Re: second procedural conference, this is to advise that NorthPoint knows of no reason for such a conference.

<b>Exhibit No.</b>	<b>Description</b>
C3-5	Letter dated April 02, 2009 NorthPoint filing IR No. 1 to BCTC as Respondent in the TCE Complaint proceeding
C3-6	Letter dated April 14, 2009 received via email – NorthPoint response to BCUC letter L-24-09 and L-26-09
C3-7	Letter dated April 15, 2009 received via email - NorthPoint response to BCTC IR No 1
C3-8	Letter dated April 15, 2009 received via email - NorthPoint response to BCUC IR No 1
C3-9	Letter dated April 15, 2009 received via email - NorthPoint response to BCUC IR No 2
C3-10	<b>Submitted at Hearing</b> April 30, 2009 Direct evidence of NorthPoint Energy Solutions Panel
C4-1	<b>CARGILL LIMITED</b> – Letter dated December 30, 2008 request for non-active Intervenor Status from Philip Pauls
C4-2	Cargill Limited letter dated November 4, 2008 requesting notification of further process on the TCE Complaint
C5-1	<b>BCOAPO ET AL</b> – Letter dated January 6, 2009 request for Intervenor Status from Mr. Jim Quail, BC Public Interest Advocacy Centre (BCPIAC)
C5-2	Letter dated January 26, 2009 request addition of co-counsel, Ms. Leigha Worth, BC Public Interest Advocacy Centre
C6-1	<b>POWEREX CORP (POWEREX)</b> – Letter dated January 6, 2009 request for Intervenor Status
C7-1	<b>TRANSALTA CORPORATION (TRANSALTA)</b> – Letter dated January 6, 2009 request for Registered Intervenor status
C7-2	TransAlta Letter dated February 13, 2009 filing Information Request No. 1 to BCTC Re: OATT
C7-3	Letter dated February 19, 2009 Information Requests from TransAlta to TCE

<b>Exhibit No.</b>	<b>Description</b>
C7-4	Letter dated March 13, 2009 TransAlta Corporation Evidence
C7-5	Letter dated April 6, 2009 TransAlta's response to second procedural conference
C7-6	Letter dated April 14, 2009 TransAlta's Response on whether the AESO should attend the oral hearing to provide evidence
C7-7	Letter dated April 15, 2009 TransAlta's Response to BCTC IR No. 1
C7-8	Letter dated April 15, 2009 TransAlta Letter to TCE re responses to IR No. 1
C7-9	Letter dated April 15, 2009 TransAlta Letter to BCUC re responses to IR No. 1
C7-10	Letter dated April 24, 2009 filing the Curriculum Vitae of Mr. Darren Gogol
C8-1	<b>JOINT INDUSTRY ELECTRICITY STEERING COMMITTEE (JIESC)</b> – Letter dated January 8, 2009 request for Registered Intervenor status
C9-1	<b>ALBERTA ELECTRIC SYSTEM OPERATOR (AESO)</b> – Letter dated April 17, 2009 response to Letter No. L-26-09
C9-2	Letter dated April 24, 2009 filing responses to Commission Information Request (Exhibit A-23)
C9-3	Letter dated April 27, 2009 via email filing AESO witness panel