



IN THE MATTER OF

West Kootenay Power Ltd.

and

The Routing of Line No. 49
in the vicinity of Penticton, B.C.

INQUIRY REPORT

January 14, 1998

Before:

**K.L. Hall, P.Eng.
Commissioner and Inquiry Officer**

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1.0 BACKGROUND

This public inquiry arises from an Application made to the British Columbia Utilities Commission ("the Commission") by West Kootenay Power Ltd. ("WKP") to complete the rebuild of the No. 49 power line from Penticton to Summerland. The rebuild of this line had been identified in previous years as a critical priority for the reliable supply of power to the West Bench and Summerland areas. Some sections of the upgrading were completed in previous years. Only the section between the Huth Avenue substation in central Penticton and the Trout Creek substation near Summerland remained to be completed. The Commission had encouraged WKP to complete this rebuild as soon as possible.

Following extensive negotiations with provincial and federal government agencies involved, and with the Penticton Indian Band to accommodate their concerns with the present line location, WKP proceeded with its application to the Commission for a Certificate of Public Convenience ("CPCN") in October of 1997.

2.0 THE APPLICATION

WKP made its application pursuant to Section 45 of the Utilities Commission Act ("the Act") for the reconstruction and partial relocation of the existing 63 kV line between the Huth Avenue and Trout Creek substations. The project will replace an existing 10.6 km section of line with an 8 km section of new poles and conductors on new rights-of-way which include a portion of the Penticton Indian Band lands. It also includes portions of the Okanagan River channel, Highway 97, Agriculture Canada lands, municipal roadways and some private lands, with the remainder on the existing right-of-way. The construction will be at 138 kV standards but energized at 63 kV. The application states that the project is required by the summer of 1998 as load on the existing line is approaching the thermal limit of the conductors.

After a thorough review of the Application, the Commission by Order No. C-9-97, dated November 12, 1997, granted WKP a CPCN to proceed. The Order stated, in part, that:

- "3. *Prior to commencing construction, WKP shall advise all adjacent property owners and residents along the No. 49 Line, of the nature and timing of the work to be done and shall resolve any issues which may be raised by the public during the information process.*
4. *The Commission is to be advised of all disputes and their resolution. Unresolved disputes are to be referred to the Commission."*

Following the issuance of this Order the Commission received complaints from several sources concerning the impacts of this relocation and the possibility that other options were available that had not been addressed adequately in the preceeding approval process. The City of Penticton notified the Commission,

formally, of a resolution passed at its Council meeting of Monday, December 1, which appealed to the Commission:

"..... to require West Kootenay Power to discontinue construction of the above-noted project and engage Penticton area residents in a proper public process to ensure local concerns are addressed."

After an internal examination of the Application and Commission Order No. C-9-97, the Commission determined that the public inquiry process was the most appropriate forum to review the project, the Council resolution and the complaints. Accordingly, the Commission issued Order No. G-130-97, dated December 11, 1997, directing WKP to stop construction of the power line in an orderly and safe manner, pending further instructions from the Commission.

3.0 SCOPE OF THE INQUIRY

3.1 Public Meeting

Through Order No. G-130-97 the Commission, pursuant to Section 78(2) of the Act, appointed Commissioner Kenneth L. Hall as Inquiry Officer to inquire into the routing, relocation and possible alternative routes for the WKP No. 49 Line in the 10.6 km section near Penticton. The Inquiry was scheduled for Friday, December 19, 1997 at 7:00 p.m. at the Penticton Inn Plaza Hotel, 333 Martin St., Penticton, B.C. Notice of the Public Inquiry was published in the Penticton Herald and the Penticton Western News Advertiser. The newspaper advertisements were supplemented by posting the Notice on community bulletin boards and by use of spot radio advertisements. The Inquiry was held as scheduled with some 80 people in attendance.

3.2 Field Investigations

Prior to the meeting, the Inquiry Officer accompanied by Mr. Bob Rerie, Senior Electrical Engineer for the Commission, and escorted by Mr. Kevin Jones of WKP, made an extensive field investigation of the proposed route. The route along the flood channel was inspected first, including the area by the Penticton City golf course where some trees were being removed. Following this, the route up through the Redwing Estates was inspected. Then a detailed examination was made of the West Bench area and the Sage Mesa subdivision. Particular notice was taken of the West Bench substation, the property of the Links family immediately adjacent to it, and of the home of Mr. Rick Winchester and the other properties along Verano Place overlooking Okanagan Lake. An inspection was made of possible alternative routings in the West Bench area. The route along the highway was checked, the telephone poles slated for removal

were noted and the route through the Agriculture Canada lands to rejoin the existing right-of-way was inspected.

4.0 INQUIRY EVIDENCE

4.1 Presentation by WKP

4.1.1 Scope of Project

To begin the public meeting, representatives from WKP were asked to outline briefly the proposal and any alternatives which had been examined. Mr. Kevin Jones, supported by Mr. Mike Bradshaw and others, outlined the purpose of the project which was to provide adequate transmission capacity to carry future Summerland and West Bench area loads from Penticton. The project involves replacing the existing 10.6 km of 63 kV line, with 8 km on a new right-of-way and to rebuild the remainder on the existing right-of-way.

4.1.2 Description of Facilities

The line on new right-of-way will use 18 meter steel pole structures. Construction on the existing right-of-way will employ wooden poles. For the new and rebuilt line a 63/138 kV transmission circuit will be mounted at the top of the pole. A 13 kV distribution circuit will be mounted 3 meters below with two communication service lines installed below the distribution circuit.

4.1.3 Routing

Mr. Jones described the proposed route using overheads of maps to illustrate. A copy of these maps are attached as Appendix A to this report. The route was shown to run from the Huth Avenue substation for about 2 km along the west side of the flood channel. On the south side of the Redwing Estates the line crosses Highway 97 and proceeds up to the West Bench area. From the West Bench substation the line proceeds a short distance north on the existing right-of-way then turns down the slope to the lake shore and Highway 97. The new line then follows Highway 97 north for about 5 km. B.C. Telephone Company's ("B.C. Tel") communication lines will be installed below the distribution circuit on poles along the highway and the existing B.C. Tel wooden poles would then be removed. At the point where the line leaves the highway it crosses Agriculture Canada lands and eventually joins the existing right-of-way, and a section of line previously upgraded, leading into the Trout Creek substation. The line from the Trout Creek substation to Summerland was rebuilt to 63 kV standards some years ago.

WKP indicated that the route had the approval of the Ministry of Transportation and Highways and that the Ministry of Environment, Lands and Parks had no outstanding concerns regarding the project or its proximity to the river Flood Channel. The Penticton Indian Band is the largest property owner affected and has executed an agreement with WKP accepting the proposed routing.

4.1.4 Alternatives Considered

Two alternatives were considered:

- install underwater cables in Okanagan Lake from Naramata to Summerland.
- build a new line from Summerland to connect with the B.C. Hydro line at Westbank.

In the Application for the CPCN, total cost of the underwater option was estimated at \$8.6 million. The tie-in with the B.C. Hydro line at Westbank was estimated to cost \$9.7 million. The proposed project from Penticton is estimated at \$3.7 million.

No information was available as to what right-of way or environmental problems might be involved in gaining access to and from the lake shore, nor was there any further information on any similar problems which might occur on the route of the Westbank tie-in.

4.2 Electromagnetic Field Concerns

The Commission had earlier received a letter from Mr. Hans Karow on behalf of the Coalition to Reduce Electropollution. Mr. Karow was unable to attend the meeting but his letter was read into the record by Mr. Carl Hilland. The letter raised concern over the absence of sufficient public consultation of the project and requested the release of certain documents by the Commission. In particular, the letter raised issues of concern over the potential for negative health problems from prolonged and close contact with the electromagnetic fields (“EMF”) emanating from high tension power transmission lines.

Dr. Wally Lawrie, a diagnostic radiologist from Penticton, spoke to the meeting expressing his concerns over the possible effects from exposure to EMF. He quoted from several articles including one from Health Canada. He expressed the view that there is as much unknown in this area as there is known and stressed that further research is required and caution should be shown in the placement of new power lines in close proximity to areas frequented by people. Other speakers also expressed their concerns over the potential harmful effects of EMF.

The Commission has previously reviewed concerns over the potential health hazards associated with exposure to Electric and Magnetic Fields. A hearing held in 1990 examined EMF in connection with complaints arising from the location of a 230 kV line on Vancouver Island. The subject arose again in 1993 when concerns were raised with the location of B.C. Hydro's 230 kV line along Boundary Road in Vancouver. The subject was investigated extensively and opinions were sought from Mr. Richard Gallagher, an EMF expert with the B.C. Cancer Agency, and from the City of Vancouver Medical Health Officer. In both cases the Commission found that there was insufficient scientific evidence to support any presumption of health risks caused by normal exposure to EMF.

Since that time the Commission has continued a watching brief on developments in this important field of scientific research. Attached, as Appendix B to this report, are two recent bulletins. The first is a bulletin entitled Radiation Issue Notes published by the Radiation Protection service of Health Canada. The second is a Position Statement put out by the Federal-Provincial Radiation Protection Committee on the effects of electric and magnetic fields on the general public. While the Commission is prepared to accept any new scientific evidence it is at this time unaware of any new evidence which would alter the previous conclusions.

4.3 Public Consultation

4.3.1 Kootenay-Okanagan Electric Consumers Association

Mr. Carl Hilland spoke on behalf of the Kootenay-Okanagan Electric Consumers Association ("KOECA"). He expressed their concern that far too little information had been made available to the ratepayers and the general public during the planning process of this project. Mr. Hilland agreed that WKP may have kept everyone informed that had legal involvement with the right-of-way, but they had failed to involve the public. He emphasized the importance of the flood channel as a recreational and tourist attraction and the significant visual impact that a major new power line would have on city residents generally. He argued that for these reasons, the ratepayers and public were essential stakeholders in the project whose importance and potential contribution had not been properly recognized by WKP. He questioned whether the residents of the West Bench and Sage Mesa areas, although not necessarily directly on the right-of-way, had their concerns adequately addressed. The KOECA supported the underwater crossing at Naramata as a more desirable alternative. They agreed it would be more expensive but that cost should not be the only consideration.

4.3.2 Wine Country Walkways Society

A spokesperson for this Society made a presentation on its behalf. The Society had been approached in early November regarding the relocation of the power line. WKP indicated its awareness of the concern over the visual impact of the towers on the walkway along the flood channel used for recreational purposes by the public. WKP had indicated its willingness to work with the Society in enhancing walkways in other areas to mitigate the visual damage. WKP has not contacted them further. She reported that at the last meeting of the Society a motion had been passed stating:

"Whereas the Wine Country Walkways Society does not condone the actions and process followed by West Kootenay Power in the development of power lines along the Okanagan River Channel, Wine Country Walkways is prepared to engage in a collaborative effort with West Kootenay Power to develop future trails in Penticton and Area."

The Society acknowledges the vital need for the security of power supply to Summerland, and that any other routing would involve significant expense. In the light of that, the Society does not vehemently oppose the routing of the power line but would encourage a high level of natural vegetation reclamation along the right-of-way to mitigate the visual impact. They trust that WKP will be generous in its mitigation actions and assist in making other pathways to benefit the residents of Penticton.

4.3.3 Sage Mesa Residents

Mr. Rick Winchester, a resident of the Sage Mesa subdivision, spoke about his concerns with the location of the new line. He felt that the proximity and visual impacts could have serious impacts on the value and enjoyment of his and other properties. He was particularly incensed that WKP had failed to contact himself and others to advise them in advance of plans for the project. In this he was strongly supported by a vocal majority present at the meeting. A number of property owners expressed their unhappiness with the lack of consultation and notification. One resident, Mrs. Graham, reported that a number of trees had been cut on her property, off the right-of-way, without her consent or advance knowledge.

Mrs. Jackie Links, whose property immediately abuts the West Bench substation, reported her unhappiness and disappointment in having insufficient information on the proposed project. She felt that WKP had on a previous occasion been less than truthful with her about changes which were to be made within the right-of-way on her property. She was particularly concerned about exposure to EMF and the fact that the line may someday be energized from the present 63 kV to 138 kV as the new line is being designed and built to that standard.

Mr. Wayne Boulton, another resident of Sage Mesa, also reported his concerns with the negative proximity and visual impacts of the project on his property and on the lack of information and consultation with impacted property owners.

4.3.4 Other Speakers

Mr. Frank Paul, a resident on the Penticton Indian Band lands, appearing with and speaking on behalf of his mother, represented that certain rights to which she was entitled had been ignored in the negotiations. He stated that she had not been consulted or informed and certain actions had been taken that they felt did not honour those rights.

Mr. Gary Denton, a Councilor for the City of Penticton but appearing on his own behalf, made a lengthy presentation. He felt that he had not received enough information from Council and that the public information process had been badly handled. He expressed the opinion that there may be other possible routes less intrusive than the one selected. In response to a question from the Chair he admitted that the City of Penticton had no land available.

Mr. Denton asked the Commission to supply copies of documents relating to the original and more recent right-of-way agreements with the Penticton Indian Band and why the Band was paid compensation along with the new agreement. The Inquiry Officer explained that it was normal practice for a utility, when securing new rights-of-way across a landowner's property, to pay compensation for the easement whether or not there were existing easements on the same property. The surrender of abandoned rights-of-way may or may not be a part of that compensation package. The Executive Director of the Commission informed Mr. Denton that if he wished copies of certain documents, the proper procedure was to make application to the appropriate government body through the Freedom of Information Act and the request would receive due process.

Mr. Jim Hewitt, a former MLA, supported the project as being the cheapest and least-damaging solution to the problem of supplying Summerland with additional electric power. He commented that many local residents were not at the meeting because they accepted the Commission's Decision in granting the CPCN. At the same time he criticized WKP for failing to allow the residents of Sage Mesa adequate input on the project.

Mr. John Chapman spoke on behalf of his family who hold extensive property, including a private golf course, on Sage Mesa. The existing right-of-way crosses the land and they were not happy with the

prospect of a rebuild of the power line. However, there were alternatives and they are exploring these cooperatively with WKP. Negotiations on mitigating measures are still underway.

Mr. Dino Giurissevich was particularly critical of the negative visual impact of the project along the flood channel, on the West Bench and along Highway 97 for both residents and tourists. He suggested that the project be halted to allow for further study of alternatives. He favoured either of the alternatives looked at earlier by WKP.

Ms. Elaine Fletcher, a recreational runner, complained about the lack of public information and the possible negative environmental effects. She chooses not to risk exposure to EMF by running under power lines and regretted that the project chose the path along the flood channel. Learning that the Penticton City Council had accepted the new routing by letter as early as March, 1997, she was equally critical of the Council and WKP for failing to properly inform the public.

5.0 FOLLOW-UP

Following the public meeting, Commission staff issued an Information Request to WKP. The Company has been asked to provide detailed maps of the West Bench and Sage Mesa areas indicating the owners on, and adjacent to, the proposed and present routing. The Commission wished to know the number of owners contacted and the extent to which they will be impacted.

Subsequent to the meeting, a number of letters have been received by the Commission from property owners in West Bench and from the Sage Mesa Golf Club. They indicated that WKP is continuing public contact with property owners and negotiating with the Golf Club on possible alterations to the line.

On January 6, 1998, the Commission received a report from WKP enclosing the detailed maps requested by the Commission and results from the continuing stakeholder communication process followed since the December 19, 1997 public meeting. The report includes the number of owners contacted, the extent to which they will be impacted, any proposed mitigation measures and the property owner's comments. WKP recommended mitigation measures in the Sage Mesa area which would require an additional expenditure estimated at about \$80,000 over the amount set out in the Application. This amount includes the use of shorter poles along a section of Highway 97, with undergrounding of the distribution and communication lines, and a further \$40,000 to use a questionable gully location to access Highway 97, thereby avoiding the use of the route down Sage Mesa Drive for which permits are currently held.

6.0 CONCLUSIONS AND RECOMMENDATIONS

It is clear that WKP has the legal authority by way of easements, permits, approvals and contracts to complete the rebuild of the line. It is equally clear that WKP was remiss in not providing for sufficient consultation and public input on the proximity and visual impacts on property owners in the immediate vicinity of the selected route. It is understandable that WKP was reluctant to have too much publicity during the protracted negotiations with the largest single landowner, the Penticton Indian Band; however, once this contract was in place it was incumbent on WKP to properly advise all affected landowners and other stakeholders to determine what concerns remained, and to explore what mitigation measures might be desirable. This was particularly true of those residents of the Sage Mesa area who would be most affected by the new routing.

It appears that the Commission has three options:

1. Because WKP has the necessary right-of-way agreements, rescind the stop-construction Order and allow the Company to continue with construction of the project.
2. Retain the stop-construction Order in place until the adjacent property owners concerns can be more adequately addressed.
3. a) Release the stop-construction Order on those sections of the line where the re-location has been accepted by all authorities, and it is clear that the routing and pole design are in the best interest of the affected parties, the ratepayers and the public generally, and
 - b) Retain the stop-construction Order in the West Bench and Sage Mesa areas pending further submissions by the Company and the adjacent landowners.

My recommendation is to proceed on the basis of Option No. 3. WKP have all the necessary approvals and the negotiated settlement with the Penticton Indian Band to construct the line along the flood channel, through the Redwing Estates and up to the West Bench substation. This portion of the line is identified as the section from 1 to 4 on the appended map. The Penticton City Council, by letter, has accepted this routing. It is clearly the only practical and the least costly route through the area anywhere near the City and I recommend that the Commission allow WKP to complete construction of this section.

In the section of the line between point 4 to approximately 1 km north of point 5 there are a number of property owners, including the Sage Mesa Golf Club and the Sage Mesa subdivision, who are extremely

concerned about the impact of the project on their properties. WKP is in regular contact with property owners in this area and we are anticipating additional reports on any further developments. In the meantime, I recommend that the stop-construction Order be maintained on this section of the line until further submissions have been received from WKP. These local routing concerns exist on two segments of the proposed route: the Sage Mesa Golf Course and the section along Highway 97 below the residences on Verano Place.

WKP has identified a possible relocation of the power line, exiting the right-of-way along the golf course and making use of a gully down to the Highway near the Kane and Hunter residences. Previous soils engineering reports have identified potential stability concerns in the gully which may reduce the expected reliability of the line. I recommend that all property owners along the proposed West Bench and Sage Mesa route be given until January 23, 1998 to comment on the options proposed by WKP. At the same time, WKP should be directed to provide further information on soil stability and construction techniques for the possible relocation through the gully. The Commission should thereafter consider the landowner concerns, costs and reliability issues in ordering an alignment that meets the broadest public interest.

WKP has also identified three options for reducing the impact of the line along Highway 97 below the five homeowners on Verano Place. Option No. 3 appears to have the potential of reducing the visual impacts in a cost-effective manner. Option No. 1 would be preferable for these five homeowners but it is opposed by landowner Chapman and the Penticton Indian Band. It would also impact negatively on some 20 homeowners on the existing right-of-way as new, higher poles are installed. I recommend that all potentially impacted property owners throughout this area be given until January 23, 1998 to comment on WKP's options, and the Commission thereafter order an alignment that creates the least inconvenience for the affected parties.

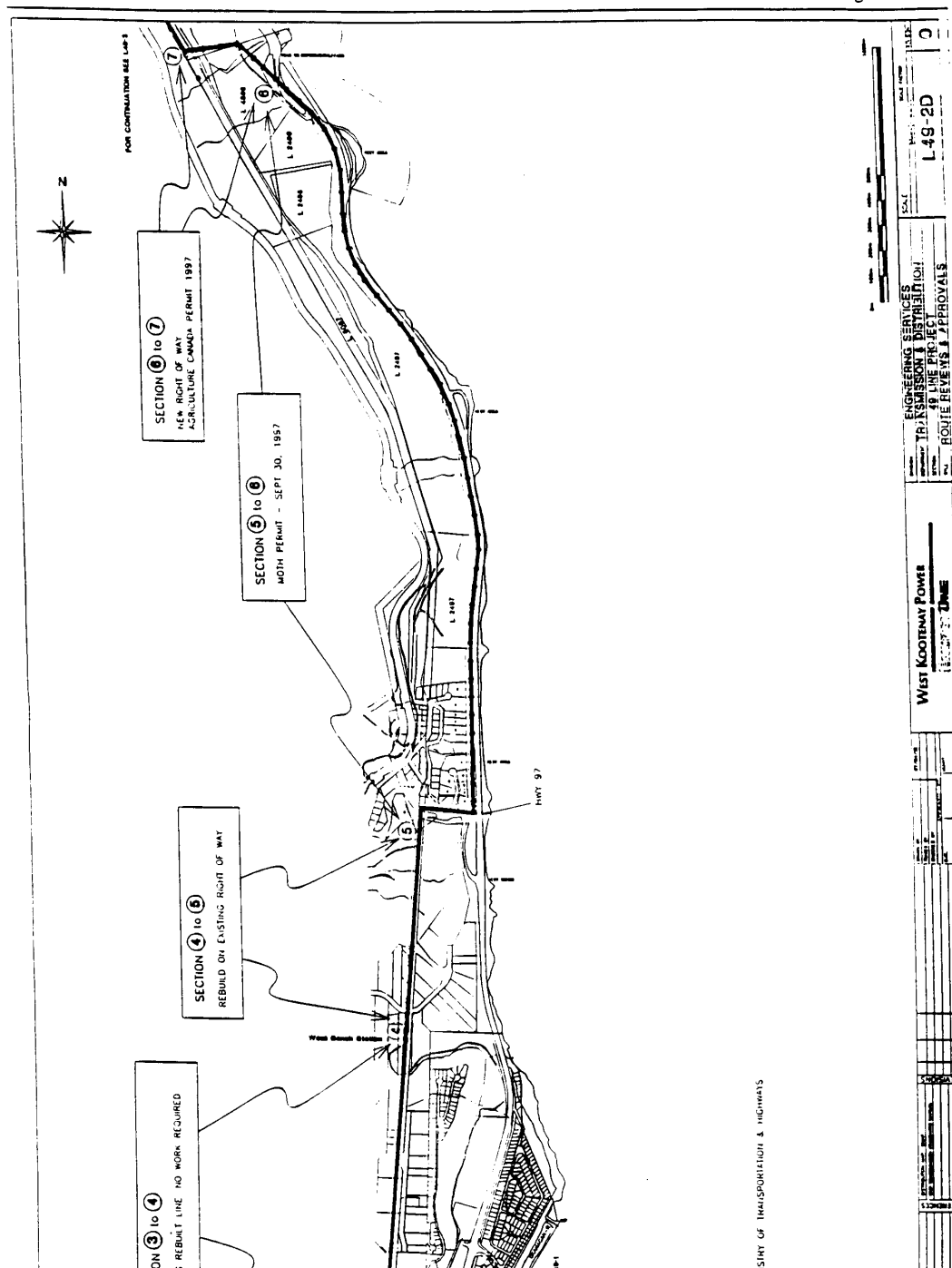
Dated at the City of Vancouver, in the Province of British Columbia, this 8th day of January, 1998.

Original signed by:

Kenneth L. Hall, P.Eng.
Inquiry Commissioner

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SYSTEMS OF TRANSPORTATION & HIGHWAYS



SECTION (8) to (8)
REBUILT TIME AND WORK REQUIRED

IN 7 to 9 ON EXISTING RIGHT OF WAY
JANUED 1954

KICKININEE
PROVINCIAL
PARK

[illegible]

**POSITION STATEMENT* ON THE HEALTH EFFECTS OF
EXTREMELY LOW FREQUENCY (E.L.F.) ELECTRIC AND MAGNETIC FIELDS
ON THE GENERAL PUBLIC**

1. The production of electric and magnetic fields are associated with the generation, transmission and use of electricity. People are exposed to these fields not only when they are near high voltage lines, but also in their homes. Such fields are produced by distribution lines, transformers, house wiring and by all devices that use electric power.
2. Studies to investigate the health effects of these fields have been taking place around the world for more than twenty-five years. Such research has included laboratory studies concerning the effects on cells, tissues and animals, as well as studies on human exposure and epidemiology.
3. Epidemiological studies suggest a weak association between increased risk of certain types of cancer, and exposure to magnetic and/or electric fields; however the findings are inconsistent and inconclusive. Experiments with animals and cells show that these fields can interact with biological systems and with cellular chemistry. These interactions, however, do not necessarily lead to adverse health effects. Extensive worldwide research programs are ongoing in order to clarify whether or not there are indeed health risks.
4. Research to date⁽¹⁾ has not identified any biophysical mechanisms that link the initiation or promotion of cancer by power frequency field properties.
5. Recommended exposure limits to prevent acute health effects have been put forward by an international committee of experts⁽²⁾. It is extremely unlikely that members of the Canadian public would be exposed above these exposure limits. In the case of chronic exposure at ambient levels, currently available information on health and bioeffects does not provide a basis for establishing more restrictive exposure limits.
6. The Federal-Provincial Radiation Protection Committee will continue to monitor the results of new studies and re-assess this position as new information becomes available.

*Position Statement issued by the Federal-Provincial Radiation Protection Committee.

⁽¹⁾ Council of the American Physical Society - (95/04/22)

⁽²⁾ INIRC/IRPA Guidelines on Limits of Exposure to 50/60 Hz Electric and Magnetic Fields. Health Physics, Vol. 58, No. 1, pp. 113-122, 1990. The Guidelines recommend a limit of 5 kV/m and 0.1 mT (1 Gauss) for 24-hour exposure of the general public



R.I.N. #1 - POWER FREQUENCY ELECTRIC AND MAGNETIC FIELDS

This Radiation Issue Note (R.I.N.) addresses health risks concerning power frequency electric and magnetic fields (also referred to as electromagnetic fields).

The vast majority of research studies demonstrate no health risks from low levels of electric and magnetic fields. However a number of studies have suggested possible health risks and as such, have caught media attention and raised concerns amongst the public. When the research to date is taken as a whole the evidence does not support the assumption that fields surrounding power lines, appliances, etc. pose a risk to human health.

Research on this issue has been intensive over the last 15 years. Recently, some authoritative medical and scientific organisations have made definite statements. In December 1994 the American Medical Association (AMA) stated that "No scientifically documented health risk has been associated with the usually occurring levels of electromagnetic fields..." More recently the American Physical Society (APS), a major scientific society based in Washington, D.C., of 43,000 physicists world-wide stated: "The scientific literature and the reports of reviews by other panels show no consistent significant link between cancer and power line fields." In October 1996, the U.S. National Research Council of the National Academy of Sciences released a literature review titled: Possible Health Effects of Exposure to Residential Electric and Magnetic Fields stating "No clear convincing evidence exists to show that residential exposures to electric and magnetic fields (EMF) are a threat to human health... There is no conclusive evidence that electromagnetic fields play a role in the development of cancer, reproductive and developmental abnormalities and behavioural problems."

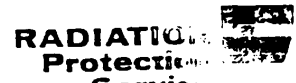
The International Commission on Non-Ionising Radiation Protection (ICNIRP), recommends exposure limits to 50/60 Hz electric and magnetic fields based upon established and predicted effects at very high field levels. For members of the general public, for up to 24 hours per day, the exposure limit is 1,000 milligauss (mG). (See attached table.) ICNIRP has also recommended limits for occupational exposure.

Research is continuing which it is hoped, will resolve the remaining uncertainties in the epidemiological findings. The mandate of the Radiation Protection Branch is to continue to appraise the scientific research and assess the implications that any findings may have upon the health of people in B.C. and to respond quickly and knowledgeably for their protection. If you have any questions please feel free to contact Mr. Randy Ross at the Radiation Protection Section, Suite #210 - 4940 Canada Way, Burnaby, B.C., V5G 4K6 (telephone (604) 660-6634).

A handwritten signature in dark ink, appearing to read 'Brian Phillips'.

Brian Phillips, Manager
Radiation Protection & Tobacco Enforcement
Public and Preventive Health Division

February, 1997



LIST OF EXHIBITSExhibit No.

Commission Order No. C-9-97, dated November 12, 1997	1
Commission Order No. G-103-97, dated December 11, 1997	2
Notice of Public Inquiry	3
Letter from City of Penticton, dated December 3, 1997	4
Letter from the Corporation of the District of Summerland, dated December 16, 1997	5
Letter from Coalition to Reduce Electropollution (CORE), dated December 8, 1997	6
Submission to City of Penticton by Kootenay-Okanagan Electric Consumers Association, dated December 1, 1997	7
Submission by Kootenay-Okanagan Electric Consumers Association to Public Inquiry December 19, 1997	8
Letter from Wine Country Walkways Society, dated December 18, 1997	9
WKP Exhibit at Public Inquiry entitled "Project Profile"	10
WKP Exhibit at Public Inquiry entitled "Stakeholder Consultation"	11

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. V6Z 2N3
CANADA



BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
NUMBER G-12-98

TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

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

and

An Application by West Kootenay Power Ltd.
for a Certificate of Public Convenience and Necessity to Relocate its
No. 49 Transmission Line from Penticton to Summerland
and Complaints into Commission Order No. C-9-97

BEFORE: L.R. Barr, Deputy Chair)
and Acting Chair) January 15, 1998
P.G. Bradley, Commissioner)

O R D E R

WHEREAS:

- A. Commission Order No. C-9-97, approved for West Kootenay Power Ltd. ("WKP") its application for a Certificate of Public Convenience and Necessity ("CPCN") to relocate and rebuild its No. 49 Transmission Line from Penticton to Summerland, B.C.; and
- B. Following the November 12, 1997 CPCN approval, the Commission received several complaints concerning the route selection for the 10.6 km section of the line near Penticton, B.C. Penticton's City Council passed a resolution requesting that the Commission issue a stop work order and hold a public process to hear local concerns; and
- C. The Commission reviewed Order No. C-9-97, complaints received and, by Order No. G-130-97, required that the issue of routing be reviewed by a Public Inquiry; and
- D. On December 19, 1997, Commissioner Kenneth L. Hall held an Inquiry in Penticton, B.C. and received submissions from the public, WKP and affected property owners on the routing of the No. 49 Transmission Line; and
- E. The Inquiry Officer prepared and submitted his Inquiry Report ("the Report") to the Commission on January 8, 1998; and
- F. The Commission has considered the Report and issues its Decision.

NOW THEREFORE the Commission orders as follows:

1. The Commission accepts the Inquiry Officer's Report and authorizes its release. The Commission adopts Option No. 3 releasing the stop-construction condition for that portion of the line from the Huth Avenue substation to the West Bench substation.
2. Option No. 3, which retains the stop-construction Order in the West Bench and Sage Mesa areas, is approved to be continued pursuant to Order No. G-130-97. The affected property owners and the public are to file with the Commission further submissions and comments on the options proposed by WKP no later than January 28, 1998. Submissions already received by the Commission need not be resubmitted.
3. WKP is directed to provide information to the Commission concerning soil stability and construction techniques for possible relocation of the No. 49 Line through the gully or along alternate routings down to the highway.
4. Following receipt of further information the Commission will review the submissions and make its decision on the realignment that meets the broadest public interest.

DATED at the City of Vancouver, in the Province of British Columbia, this 15th day of January, 1998.

BY ORDER

Original signed by:

Lorna R. Barr
Deputy Chair
and Acting Chair

Attachment