



LETTER NO. L-2-95

ROBERT J. PELLATT
COMMISSION SECRETARY
VIA FACSIMILE

SIXTH FLOOR, 900 HOWE STREET, BOX 250
VANCOUVER, B.C. CANADA V6Z 2N3
TELEPHONE: (604) 660-4700
BC TOLL FREE: 1-800-663-1385
FACSIMILE: (604) 660-1102

January 19, 1995

Mr. M. Doherty
Barrister & Solicitor
The British Columbia Public Interest
Advocacy Centre
815 - 815 West Hastings Street
Vancouver, B.C.
V6C 1B4

Dear Mr. Doherty:

Re: B.C. Hydro and Power Authority - B.C. Energy Council
Access to Information

Thank you for your letter of November 25, 1994 outlining your position with respect to the confidential treatment of information in B.C. Utilities Commission hearings which could be made available at any rate through Freedom Of Information ("FOI") legislation. The issue you consider is a situation wherein it is not clear whether a particular document will be available under FOI and whether the Commission should order its release in advance of the FOI determination.

The Commission has maintained its responsibility to review information relevant to the determination of applications before the Commission. Information which should be made available in the public interest is required to be released whether it would be available under FOI, or otherwise allowed to be held confidential. For example, the Commission released to the public the confidential contracts between B.C. Hydro and Alcan as they were important to the public interest in the review of the Kemano Completion Project.

In future, the Commission will continue to balance the interest of the relevance of a particular document to a hearing, compared with the potential harm in release of a document to confidentiality concerns, commercial interests or other impacts to an organization which might provide support for the withholdance of a particular document from a Commission hearing.

I hope this letter assists you in understanding the Commission's current attitude towards the release of specific information to any Commission hearing.

Yours truly,

Robert J. Pellatt

WJG/mmc