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BRITISH COLUMBIA
UTILITIES COMMISSION

ORDER
NUMBER C-13-98

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

An Application by West Kootenay Power Ltd.
to Rebuild the No. 44 Transmission Line from Oliver to Osoyoos

BEFORE: P. Ostergaard, Chair)
L.R. Barr, Deputy Chair) July 30, 1998
C.J. Kinsley, Commissioner)

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. On November 19, 1998, West Kootenay Power Ltd. ("WKP") applied to the Commission, pursuant to Section 45 of the Utilities Commission Act ("the Act"), for a Certificate of Public Convenience and Necessity ("CPCN") to rebuild the No. 44 Transmission Line from Oliver to Osoyoos to 138 kV standards on the existing right of way; and
- B. On November 27, 1997, the Commission requested public input by Order No. G-123-97, with responses to be sent to the Commission by January 9, 1998; and
- C. On April 1, 1998, the Commission decided that a public hearing into the Application was necessary and by Order No. G-33-98, set down a public process and hearing to be held in Osoyoos on June 23 and 24, 1998; and
- D. A town hall meeting was held on June 23, 1998, and a public hearing was held on June 24, 1998 in the Osoyoos Legion Hall; and
- E. Final written arguments were received by July 24, 1998; and
- F. The Commission has reviewed the Application, the evidence filed prior to the hearing, the evidence filed at the public hearing, and the written arguments. The Commission determines that the rebuild of the No. 44 Transmission Line is necessary and in the public interest.

NOW THEREFORE the Commission orders as follows:

1. A CPCN is granted to WKP to rebuild and operate the No. 44 Transmission Line at 63 kV. WKP is not to install insulators that can accommodate an upgrade to 138kV.

2. This CPCN is subject to WKP obtaining all necessary permits, licenses and approvals from agencies having jurisdiction.
3. WKP is to consult with stakeholders along the Highway 97 section south of Deadmans Lake and attempt to achieve consensus for a route on the east side of Highway 97, or remain in the present alignment subject to confirmation by MoTH. WKP is to report to the Commission by September 30, 1998, on the outcome of these consultations. WKP is not to start construction of this section until the route in this area is resolved.
4. Prior to commencing construction, WKP is to advise all adjacent property owners and residents along the No. 44 Transmission Line of the nature and timing of the work to be done and is to resolve any pole placement issues that may be raised by these owners and residents to the extent possible.
5. WKP is to assign an environmental monitor to ensure that the mitigation measures requested by the Ministry of Environment, Lands, and Parks and recommended in the Acres International Limited draft report entitled "Environmental Guidelines for the Construction of Transmission Line 44, Oliver to Osoyoos", are followed.
6. WKP is to submit, by September 15, 1998, for Commission approval a revised detailed cost estimate, which includes; costs for environmental monitoring and mitigation measures; the savings arising from the use of 63kV insulators; and estimated damage repair costs.
7. WKP is to file with the Commission construction and environmental progress reports for the project every two months commencing September 30, 1998, until completion of the project when a final report is to be submitted. These reports are to address any problems and potential problems and indicate any variations to the construction schedules and cost estimates, as may arise.

DATED at the City of Vancouver, in the Province of British Columbia, this 5th day of August, 1998.

BY ORDER

Original signed by:

Lorna R. Barr
Deputy Chair