



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
for a Right-of-Way Property Acquisition

BEFORE: P. Ostergaard, Chair)
L.R. Barr, Deputy Chair) December 2, 1999
P.G. Bradley, Commissioner)
B.L. Clemenhagen, Commissioner)

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. On November 26, 1999, West Kootenay Power Ltd. ("WKP") applied pursuant to Section 45 of the Utilities Commission Act ("the Act"), for a Certificate of Public Convenience and Necessity ("CPCN") to acquire a statutory right-of-way for a section of its 138 kV transmission line No. 50L which follows the Canadian National Railway's ("CNR") rail bed corridor between Richter Street and Spall Road in the City of Kelowna; and
- B. In 1986 WKP obtained a 10-year license/permit from CNR allowing the transmission line onto CNR lands. The agreement expired in 1997 and CNR gave WKP a choice to either obtain a statutory right-of-way in perpetuity or vacate the property within one year; and
- C. The negotiated cost of the statutory right-of-way is \$396,000, which is less than alternate arrangements, and consistent with the property's appraised value; and
- D. WKP advised that, in its view, the project did not require public consultation and review because there was no physical change to any of its facilities; and
- E. The Commission has reviewed the application and finds that approval is necessary and in the public interest.

NOW THEREFORE pursuant to Section 45 of the Act, the Commission issues to WKP a CPCN for the acquisition of a statutory right-of-way from CNR at a cost of \$396,000, plus an estimated \$29,000 in transaction fees, for a section of its 138 kV transmission line that follows the railway corridor between Richter Street and Spall Road in the City of Kelowna.

DATED at the City of Vancouver, in the Province of British Columbia, this 6th day of December 1999.

BY ORDER

Original signed by:

Lorna R. Barr
Deputy Chair