



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

and

An Application by West Kootenay Power Ltd.  
(now known as UtiliCorp Networks Canada (British Columbia) Ltd.)  
for Approval of the Letter Agreement for Tailrace Upgrades to Amend  
the Brilliant Power Purchase Agreements

**BEFORE:** P. Ostergaard, Chair )  
B.L. Clemenhagen, Commissioner )  
R.D. Deane, Commissioner ) November 8, 2001  
K.L. Hall, Commissioner )  
N.F. Nicholls, Commissioner )

**O R D E R**

**WHEREAS:**

- A. The Commission by Order No. E-7-96 approved for West Kootenay Power Ltd. ("WKP") Energy Supply Contracts, Energy Transmission Contracts and Energy Related Agreements ("the Brilliant Power Purchase and Amendment Agreements") concerning the output from the Brilliant Hydro Electric Plant for a period of sixty years commencing no later than September 1, 1996; and
- B. On July 11, 2002 at the public hearing into WKP's Application for the Sale of its Hydro Electric Assets, WKP filed Exhibit No. 26 being a June 1, 2001 Letter Agreement with Columbia Power Corporation ("CPC") / CBT Power Corp. ("CBT") covering improvements to river bed contours and tailrace upgrades at its Brilliant Plant. The tailrace improvements will be designed to maximize the total benefit of the combined Brilliant Plant and Expansion and will provide WKP with incremental capacity to its power purchases portfolio; and
- C. On October 22, 2001 WKP changed its name to UtiliCorp Networks Canada (British Columbia) Ltd. ("UNC"); and
- D. The Commission has reviewed the Letter Agreement with CPC/CBT and finds that acceptance of the Agreement is in the public interest.

**NOW THEREFORE** pursuant to Section 71 of the Utilities Commission Act and the Rules respecting Energy Supply Contracts, the Commission accepts the June 1, 2001 Letter Agreement between WKP and CPC/CBT for tailrace upgrades at the Brilliant Plant.

**DATED** at the City of Vancouver, in the Province of British Columbia, this 15<sup>th</sup> day of November 2001.

BY ORDER

*Original signed by:*

Peter Ostergaard  
Chair