



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

and

An Application by UtiliCorp Networks Canada (British Columbia) Ltd.
(now known as Aquila Networks Canada (British Columbia) Ltd.)
for a Certificate of Public Convenience and Necessity
to Secure a Right-of-Way on the Osoyoos Indian Reserve No. 1

BEFORE: P. Ostergaard, Chair)
R.D. Deane, Commissioner)
K.L. Hall, Commissioner) June 13, 2002
N.F. Nicholls, Commissioner)

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

WHEREAS:

- A. On May 21, 2002, UtiliCorp Networks Canada (British Columbia) Ltd. ("UNC") applied for a Certificate of Public Convenience and Necessity ("CPCN") to secure a right-of-way for a section of UNC Transmission Line No. 44 within the boundaries of the Osoyoos Indian Reserve No. 1 between Oliver and Osoyoos, pursuant to Sections 45 and 46 of the Utilities Commission Act ("the Act"); and
- B. The requirement to secure the Line No. 44 right-of-way was identified in the Preliminary 2000-2002 Revenue Requirements Application dated November 8, 1999. A negotiated agreement between UNC and the Osoyoos Indian Band ("the Band") was anticipated during the 2000-2002 test period. The negotiated settlement as appended to B.C. Utilities Commission ("the Commission") Order No. G-134-99 approved the project as an extraordinary capital expenditure, subject to Commission approval of a CPCN application; and
- C. The cost of securing the right-of-way is \$420,000 with terms set out in a February 28, 2002 Letter Agreement between UNC and the Band, which was executed by the Band on April 17, 2002. The Letter Agreement's Schedule A amends the original March 25, 1970 Agreement with respect to the Utility's obligations to supply electric power on the Osoyoos Indian Reserve No. 1; and
- D. UNC estimates the total cost of this extraordinary capital expenditure, including overheads, will be approximately \$500,000; and

E. The Commission has reviewed the UNC Application and finds that a CPCN should be granted.

NOW THEREFORE pursuant to Section 45 of the Act, the Commission approves the issuance of a CPCN to UNC to secure a right-of-way on the Osoyoos Indian Reserve No. 1, located between Oliver and Osoyoos, at an estimated cost of \$500,000.

DATED at the City of Vancouver, in the Province of British Columbia, this 18th day of June 2002.

BY ORDER

Original signed by:

Peter Ostergaard
Chair