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**BRITISH COLUMBIA
UTILITIES COMMISSION**

**ORDER
NUMBER** G-54-05

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

and

**An Application by British Columbia Hydro and Power Authority
for Approval of the Line 71 Agreements Review**

BEFORE: L.F. Kelsey, Commissioner June 9, 2005
L.A. Boychuk, Commissioner

O R D E R

WHEREAS:

- A. British Columbia Hydro and Power Authority ("BC Hydro") and Teck Cominco Metals Ltd. ("Teck Cominco") are parties to the Line 71 Agreement, dated April 15, 2002, as amended December 6, 2002, and the Nelway Agreement dated December 6, 2002, collectively the Line 71 Agreements ("the Line 71 Agreements"); and
- B. BC Hydro has kept the Line 71 Agreements confidential pursuant in part, with respect to BC Hydro's Standards of Conduct approved by the Commission by Letter No. L-85-98 and applicable to BC Hydro at the time the Line 71 Agreements were entered into; and
- C. Teck Cominco considers the Line 71 Agreements to be confidential; and
- D. The Standards of Conduct approved by Letter No. L-85-98, have been superseded by more recent BC Hydro Standards of Conduct approved by the Commission by Order No. G-13-05. Both allow for exceptions to the non-disclosure rules provided therein upon Commission approval; and
- E. BC Hydro is re-negotiating the Canal Plant Agreement with the parties to it, including Teck Cominco. The Line 71 Agreements and the Canal Plant Agreement are closely related. In order to allow for the BC Hydro management review of the Canal Plant Agreement certain BC Hydro personnel, who would not otherwise have access to the Line 71 Agreements under Standards of Conduct, are required to review them; and

- F. Pursuant to Section 13.4 of the Master Agreement, designated by Order in Council on November 20, 2003, between BC Hydro and the British Columbia Transmission Corporation (“BCTC”), BC Hydro and BCTC are to allocate between them the rights and obligations arising under the Line 71 Agreements. In order to negotiate that allocation with BCTC, certain BC Hydro personnel, who would not otherwise have access to the Line 71 Agreements under the Standards of Conduct, are required to review them; and
- G. By letter dated May 27, 2005, BC Hydro applied for an Order of the Commission approving the review of the Line 71 Agreements by the persons indicated in this Order; and
- H. Teck Cominco consents to the review of the Line 71 Agreements by the persons indicated in this Order and BCTC does not oppose this application.
- I. Other Parties to the Canal Plant Agreement, namely Columbia Power Corporation and FortisBC, have indicated by letter dated June 6, 2005 and Email of June 6, 2005, that they do not object to BC Hydro’s application.

NOW THEREFORE the Commission orders, pursuant to Section 26(a) of the Utilities Commission Act, that the following persons may review the Line 71 Agreements in connection with the negotiation of the new Canal Plant Agreement and for the purpose of negotiating with BCTC an allocation between BC Hydro and BCTC of the rights and obligations arising from the Line 71 Agreements.

1. The following employees of BC Hydro:

- Ken Spafford (Technical Strategic Advisor, Generation Line of Business, (“GLOB”))
- Wing Joe (Generation Operations, GLOB)
- Douglas A. Robinson (Integrated Operations and Risk Management, GLOB)
- Chris James (Generation Operations, GLOB)
- Stan Matthews (Generation Operations, GLOB)
- Colin Fussell (Regulatory Group)
- Gifford Jung (Regulatory Group)
- Richard Stout (Regulatory Group)
- Vicki Antoniadis, (Legal Services)
- David Avren (Legal Services)

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2. Senior Management of BC Hydro identified in the top three rows of BC Hydro's May 26, 2005 Organizational Chart, attached as Appendix A to this Order, from time to time, exclusive of any employees of Powerex Corp.
3. Outside Legal Counsel and consultants.
4. Other employees of BC Hydro that are not employed in any of the groups shaded dark green or pale green on BC Hydro's May 26, 2005 Organizational Chart filed as Tab D to the Application, from time to time, with the consent of Teck Cominco, and upon notice to the Commission.
5. This Order is subject to the persons noted above agreeing to treat the Line 71 Agreements in the same manner as non-public Transmission-Related Information under the BC Hydro Standards of Conducts, and to BC Hydro employing a "no conduit" rule such that the above-noted personnel will not act as a conduit of information to others within BC Hydro, or its marketing affiliates, that are directly involved in electricity marketing, subject to any further Order of the Commission relieving BC Hydro and those employees from that obligation.

DATED at the City of Vancouver, in the Province of British Columbia, this 10th day of June 2005.

BY ORDER

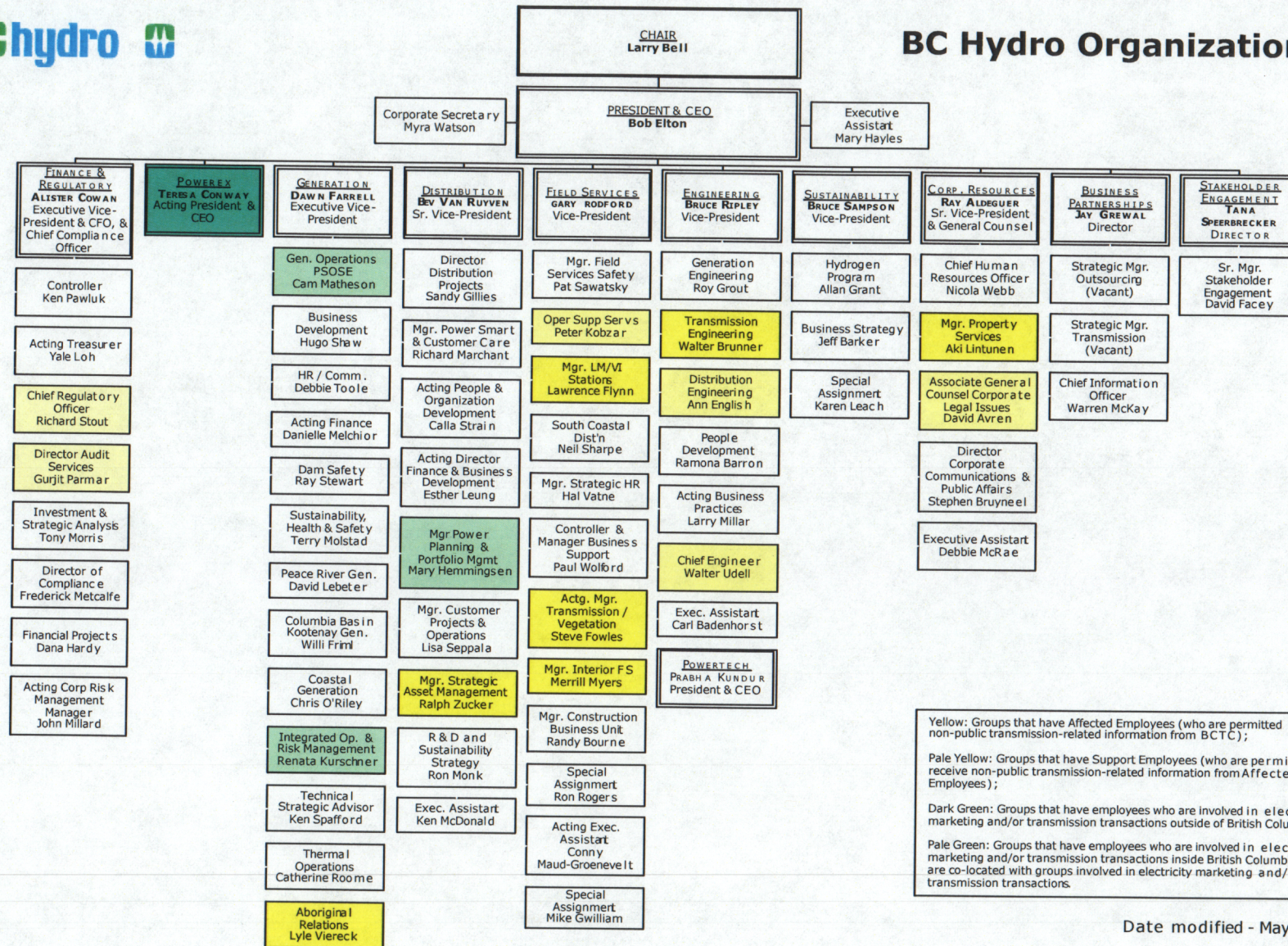
Original signed by:

L.F. Kelsey
Commissioner

Attachment



BC Hydro Organization Chart



Yellow: Groups that have Affected Employees (who are permitted to receive non-public transmission-related information from BCTC);

Pale Yellow: Groups that have Support Employees (who are permitted to receive non-public transmission-related information from Affected Employees);

Dark Green: Groups that have employees who are involved in electricity marketing and/or transmission transactions outside of British Columbia; and

Pale Green: Groups that have employees who are involved in electricity marketing and/or transmission transactions inside British Columbia, or which are co-located with groups involved in electricity marketing and/or transmission transactions.

Date modified - May 19, 2005