



LETTER NO. L-93-09

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Log No. 31000

VIA EMAIL

October 14, 2009

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Mr. Scott A. Thomson

Vice President
Regulatory Affairs and Chief Financial Officer
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Mr. Tom Loski

Chief Regulatory Officer
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Dear Sirs:

Re: Terasen Gas Inc., Terasen Gas (Vancouver Island) Inc. and
Terasen Gas (Whistler) Inc. ("Terasen Utilities")
Return on Equity and Capital Structure Application
Request for Opening of Evidentiary Record

By letter dated October 9, 2009, counsel for Terasen Utilities requested that the evidentiary record be opened to allow the National Energy Board October 8, 2009 cover letter and Reasons for Decision on its Review of the Multi-Pipeline Cost of Capital Decision (RH-2-94) ("October 8 NEB Decision") to be entered as an exhibit. The cover letter and the October 8 NEB Decision were attached to counsel's letter.

The Commission has received comments on the request from the five Registered Intervenor who appeared at the Oral Hearing: Industrial Customer Group ("ICG"), Joint Industrial Electricity Steering Committee ("JIESC"), Commercial Energy Customers ("CEC"), British Columbia Old Age Pensioners' Organization *et al.* ("BCOAPO"), and FortisBC Inc. ("FortisBC").

The ICG, JIESC, CEC and BCOAPO all state that they do not object to Terasen Utilities referring to the October 8 NEB Decision in Argument. The JIESC and CEC also did not object to the 2008 NEB Decision being referred to in Reply. All of them stated that they do not believe that the evidentiary record needs to be reopened and also indicated that they do not object to the NEB document being marked if that is felt to be useful or convenient. Only one Registered Intervenor, FortisBC, filed a letter of support to the Terasen Utilities' request to reopen the evidentiary record.

The Commission Panel has considered the Terasen Utilities' request and the comments of the Intervenor. The Panel agrees with counsel for the ICG that it can take administrative notice of the October 8 NEB Decision without the need to reopen the evidentiary record. For this reason and given the numerous references in the proceeding to the review process by the NEB of its RH-2-94 Decision, the Panel concludes that Terasen Utilities will be allowed to refer to the October 8 NEB Decision in Argument and in Reply and that it is not necessary to reopen the evidentiary record for Terasen Utilities to do so.

Yours truly,

Original signed by:

Erica M. Hamilton

cms

cc: Mr. Cal Johnson, Faskin Martineau
Registered Intervenor

PF/TUS_ROE-CapStructure/GenCor/L-93-09_Ref NEB Decision in Argument