



LETTER L-11-11

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VIA EMAIL

March 9, 2011

BCTC ILM DECISION RECONSIDERATION – EXHIBIT A-1

TO: British Columbia Hydro and Power Authority
ILM CPCN Registered Interveners

Re: British Columbia Transmission Corporation
Project No. 3698506
Interior to Lower Mainland (ILM) Transmission Project
Certificate of Public Convenience and Necessity
Court of Appeal Reconsideration
Application for Reconsideration of ILM Decision

By the enclosed letter dated March 2, 2011, the Nlaka'pamux Tribal Council (NNTC), Okanagan Nation Alliance (ONA) and Upper Nicola Indian Band (Upper Nicola) applied for a reconsideration (Reconsideration Application) of Order G-15-11 and the attached Reasons for Decision issued by the British Columbia Utilities Commission (the Commission) on February 3, 2011. The NNTC/ONA/Upper Nicola assert that the Commission made two errors in its Decision that warrant full reconsideration of the Decision.

A copy of the Reconsideration and Appeals section of the "A Participant's Guide to the B.C. Utilities Commission", which identifies the criteria that the Commission generally applies to determine whether a reasonable basis exists to allow a reconsideration, is enclosed.

An application for reconsideration with the Commission proceeds in two phases. In the interest of both regulatory efficiency and fairness, the application undergoes an initial screening phase. In this first phase, the applicant must establish a *prima facie* case sufficient to warrant full reconsideration by the Commission. The Commission usually invites submissions from the other participants in the original proceeding, or may consider that comments from the parties are not necessary. The Commission generally applies the following criteria to determine whether or not a reasonable basis exists for allowing reconsideration:

- the Commission has made an error in fact or law;
- there has been a fundamental change in circumstances or facts since the Decision;
- a basic principle had not been raised in the original proceedings; or
- a new principle has arisen as a result of the Decision.

Where an error is alleged to have been made the application must meet the following criteria to advance to the second phase of reconsideration:

- the claim of error is substantiated on a *prima facie* basis; and
- the error has significant material implications.

If the Commission determines that a full reconsideration is warranted, the second phase begins where the Commission hears arguments on the merits of the application.

The Commission hereby establishes the first phase of reconsideration as a written comment process on whether the NNTC/ONA/Upper Nicola have submitted an application with a reasonable basis to allow a reconsideration. The first phase will be a preliminary examination to assess the application in light of the following questions:

- Should there be a reconsideration by the Commission?
- If there is to be a reconsideration:
 - should the Commission hear new evidence and should new parties be given the opportunity to present evidence?
 - should it focus on the items from the Reconsideration Application, a subset of these items or additional items?
 - what process should be established for the reconsideration?

The first phase assessment process for the Reconsideration Application will be as follows:

- BC Hydro, Interveners and Interested Parties submit written comments, if any, to the Commission by Wednesday, March 23, 2011, with a copy to legal counsel for the NNTC/ONA/Upper Nicola.
- NNTC/ONA/Upper Nicola submit a written reply, if any, to the Commission by Wednesday, April 6, 2011.

Written comments in the first phase should address whether the threshold for reconsideration has been met, rather than the substance of the issues. Following the completion of this written comment process, the Commission will decide whether or not a reconsideration should proceed. If the reconsideration proceeds to the second phase, the parties will be allowed subsequently to address the substance of the issues that the Commission approves for reconsideration.

Yours truly,

Erica M. Hamilton

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Enclosures