



ORDER NUMBER
G-94-21

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nations
Application for Reconsideration and Variance of Order G-65-21
In the matter of Kyuquot Power Ltd. Investigation into the Safety and Reliability of the KPL System

BEFORE:

D. M. Morton, Panel Chair
C. Brewer, Commissioner
T. A. Loski, Commissioner

on March 25, 2021

ORDER

WHEREAS:

- A. On March 12, 2021, the Ka:'yu:'k't'h' / Che:k'tles7et'h' First Nations (KCFN) submitted an application with the British Columbia Utilities Commission (BCUC) for reconsideration and variance of Directives 3 and 4 of Order G-65-21 (Reconsideration Application);
- B. On May 15, 2020, by Order G-115-20, the BCUC established a hearing to review the safety and reliability of the Kyuquot Power Ltd. (KPL) system, following a complaint by a representative of KCFN;
- C. On March 8, 2021, the BCUC issued Order G-65-21, which, among other things, directed KPL, as soon as reasonably possible, but no later than March 12, 2021, to request the dispute regarding the locking arrangement and terms of a joint operating order governing gang-operated load break switch S3 (GOLB S3) be referred to mediation, pursuant to Section 11 of the Right of Way Agreement. Directives 3 and 4 of Order G-65-21 state:
 3. Until the dispute is resolved, the BCUC requests KCFN, as soon as reasonably possible, but no later than March 12, 2021, to provide KPL a copy of the key for GOLB S3.
 4. Until the dispute is resolved, KCFN and KPL are to notify each other prior to any operation of GOLB S3, although permission of the other party is not required.
- D. In the Reconsideration Application, KCFN requests that Directives 3 and 4 of Order G-65-21 be varied to include a requirement that KPL obtain the permission of KCFN prior to accessing the GOLB S3 and that only qualified personnel be permitted to access GOLB S3;
- E. Part V of the BCUC's Rules of Practice and Procedure, which are attached to Order G-15-19, sets out the Rules for the reconsideration process;

- F. On March 17, 2021, by Order G-79-21, the BCUC established a regulatory timetable seeking submissions from parties on the Reconsideration Application;
- G. On March 22, 2021, KPL submitted their response on the Reconsideration Application;
- H. On March 24, 2021, KCFN submitted a letter requesting an extension for their reply submission on the Reconsideration Application. KCFN state that BCUC Order G-65-21 and KPL's submission dated March 22, 2021, raised jurisdictional questions which require proper factual and legal analysis; and
- I. The BCUC has reviewed KCFN's letter and determines that an amendment to the regulatory timetable is warranted.

NOW THEREFORE the BCUC orders that the regulatory timetable attached to Order G-79-21 is amended as set out in Appendix A to this order.

DATED at the City of Vancouver, in the Province of British Columbia, this 25th day of March 2021.

BY ORDER

Original signed by:

D. M. Morton
Commissioner

Attachment

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REGULATORY TIMETABLE

Action	Date (2021)
KCFN reply submission	Tuesday, April 6
Further process	To be determined