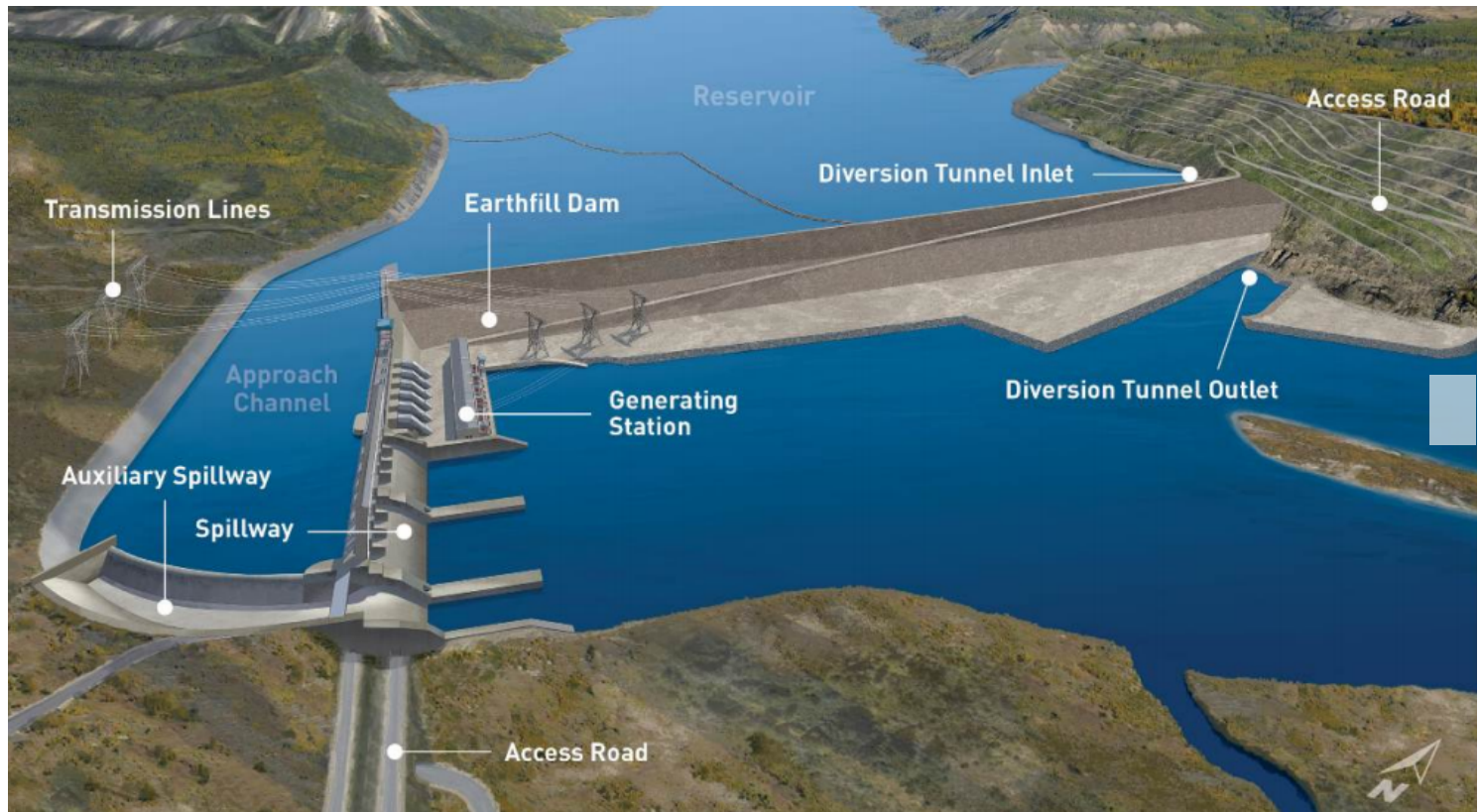


STRAIGHT TALK »

Peace Valley Landowner Association lawyer alleges that B.C. Hydro wants to re-open Site C review

by Staff on November 29th, 2017 at 11:11 AM

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The \$8.8-billion Site C dam is being developed on the Peace River in northeastern B.C. not far from Fort St. John.
B.C. HYDRO

The following letter was sent earlier this week to the B.C. Utilities Commission by Robert Botterell, a lawyer representing the Peace Valley Landowner Association and the Peace Valley Environmental Association:

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C - Project No. 1598922

We are legal counsel for Peace Valley Landowner Association and Peace Valley Environment Association in this proceeding.

We have received a copy of the post-inquiry submission of BC Hydro Chief Regulatory Officer Fred James to the Site C Inquiry (attached BC Hydro letter to BCUC dated November 16, 2017). Contrary to BC Hydro's assertion, we do not agree that the letter's content is limited to "input and calculation errors". The kindest interpretation of the submission is that a disappointed proponent is attempting to re-open issues earlier raised and settled in the Inquiry which closed with the Commission's Final Report on November 1, 2017.

We have asked energy expert Robert McCullough to review the November 16, 2017 letter, and he has advised that several of the points that BC Hydro has sought to represent as neutral calculation errors are in fact points that invite substantive counter-argument and evidence, both on substantive input and methodology. If given the opportunity, Mr. McCullough would present persuasive evidence in this regard.

For example, BC Hydro is now attempting to re-open submissions on a methodological issue—how to apportion and recover sunk costs—which is included in item "C" of page two of their recent letter. This is not simply a matter of "input and calculation", but a substantive issue that raises a range of possible outcomes based upon which principles (relating to e.g. public finance, accounting principles, amortization) are accepted. The consequences of these choices are significant (as evidenced by BC Hydro's invitation to weigh a further \$345 million in favour of Site C, if the Commission accepts the company's submission.)

Re-opening an issue with such significant consequence without providing opportunity for further evidence and submission from other parties would be highly inappropriate, would undermine the fair outcome of the proceeding, and would call into question public confidence in the procedural integrity of the Site C inquiry process.

If one party is allowed to re-litigate, it is only appropriate that all parties must be allowed to do so. It should be noted that Mr. McCullough, on behalf of our clients, has kept abreast of filings in the proceeding, and has pointed out a number of errors in BC Hydro's submissions. However, we have not asked the Commission for leave to reopen the errors in BC Hydro's submissions or the determinations by the Commission based on these errors.

Please either disregard British Columbia Hydro's out of schedule arguments, or allow opposing parties the same privileges.

Please contact me if you have any questions.

Sincerely,
ROBERT H. BOTTERELL
BOTTERELL LAW CORPORATION

10:52 |

Critics of the Site C dam recently posted this video on Vimeo.

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